

- (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.)

#### Editorial Notes

##### 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.)

#### Editorial Notes

##### 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.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1434, Pub. L. 91-230, title VI, §634, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 108, related to grant eligibility, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1434, Pub. L. 91-230, title VI, §634, Apr. 13, 1970, 84 Stat. 185; Pub. L. 98-199, §§3(b), 11, Dec. 2, 1983, 97 Stat. 1358, 1372; Pub. L. 101-476, title IV, §404, Oct. 30, 1990, 104 Stat. 1135; Pub. L. 102-119, §9(c)(1), Oct. 7, 1991, 105 Stat. 595, related to reports to Sec-

retary by recipients of grants and contracts, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 105-17.

### § 1435. Requirements for statewide system

#### (a) In general

A statewide system described in section 1433 of this title shall include, at a minimum, the following components:

(1) A rigorous definition of the term “developmental delay” that will be used by the State in carrying out programs under this subchapter in order to appropriately identify infants and toddlers with disabilities that are in need of services under this subchapter.

(2) A State policy that is in effect and that ensures that appropriate early intervention services based on scientifically based research, to the extent practicable, are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State and infants and toddlers with disabilities who are homeless children and their families.

(3) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State, and a family-directed identification of the needs of each family of such an infant or toddler, to assist appropriately in the development of the infant or toddler.

(4) For each infant or toddler with a disability in the State, an individualized family service plan in accordance with section 1436 of this title, including service coordination services in accordance with such service plan.

(5) A comprehensive child find system, consistent with subchapter II, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources and that ensures rigorous standards for appropriately identifying infants and toddlers with disabilities for services under this subchapter that will reduce the need for future services.

(6) A public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under paragraph (10) to all primary referral sources, especially hospitals and physicians, of information to be given to parents, especially to inform parents with premature infants, or infants with other physical risk factors associated with learning or developmental complications, on the availability of early intervention services under this subchapter and of services under section 1419 of this title, and procedures for assisting such sources in disseminating such information to parents of infants and toddlers with disabilities.

(7) A central directory that includes information on early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State.

(8) A comprehensive system of personnel development, including the training of para-

professionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State that—

(A) shall include—

(i) implementing innovative strategies and activities for the recruitment and retention of early education service providers;

(ii) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this subchapter; and

(iii) training personnel to coordinate transition services for infants and toddlers served under this subchapter from a program providing early intervention services under this subchapter and under subchapter II (other than section 1419 of this title), to a preschool program receiving funds under section 1419 of this title, or another appropriate program; and

(B) may include—

(i) training personnel to work in rural and inner-city areas; and

(ii) training personnel in the emotional and social development of young children.

(9) Policies and procedures relating to the establishment and maintenance of qualifications to ensure that personnel necessary to carry out this subchapter are appropriately and adequately prepared and trained, including the establishment and maintenance of qualifications that are consistent with any State-approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing early intervention services, except that nothing in this subchapter (including this paragraph) shall be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained and supervised in accordance with State law, regulation, or written policy, to assist in the provision of early intervention services under this subchapter to infants and toddlers with disabilities.

(10) A single line of responsibility in a lead agency designated or established by the Governor for carrying out—

(A) the general administration and supervision of programs and activities receiving assistance under section 1433 of this title, and the monitoring of programs and activities used by the State to carry out this subchapter, whether or not such programs or activities are receiving assistance made available under section 1433 of this title, to ensure that the State complies with this subchapter;

(B) the identification and coordination of all available resources within the State from Federal, State, local, and private sources;

(C) the assignment of financial responsibility in accordance with section 1437(a)(2) of this title to the appropriate agencies;

(D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their fami-