

281—120.4(34CFR303) Definitions. In this chapter, unless the context otherwise indicates, the following definitions are used:

“Assessment” means the ongoing procedures described in rule 281—120.27(34CFR303) used by appropriate qualified personnel throughout the period of a child’s eligibility to identify:

1. The child’s unique strengths and needs and the services appropriate to meet those needs; and
2. The resources, priorities, and concerns of the family, as well as the supports and services necessary to enhance the family’s capacity to meet the developmental needs of the eligible child. [34 CFR 303.322(b)(2)]

“Child find” means that children who are suspected as being eligible for early intervention services are identified, located, and evaluated at no cost to the family. [34 CFR 303.165; 300.321(b)(1)]

“Community empowerment areas” means partnerships in local communities with broad representation to lead collaborative efforts involving education, health, and human service programs and services on behalf of the children, families and other citizens residing in the geographic area. Community empowerment areas mobilize individuals and their communities to achieve desired results in order to improve the well-being of and quality of life for families with young children from birth through the age of five years. [Iowa Code chapter 28.2(3)]

“Community partners” means local providers of signatory agencies, as well as other public or private community programs or agencies, including Early Head Start, childcare providers, community empowerment areas, and health programs, that work with Early ACCESS, as described in subrule 120.8(2). [34 CFR 303.522]

“Consent” means:

1. A parent has been fully informed of all information relevant to the activity for which consent is sought, in a parent’s native language or other mode of communication;
2. A parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records, if any, that will be released and to whom; and
3. A parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. [34 CFR 303.401(a)(1)-(3)]

“Council” means the Iowa council for Early ACCESS. The council advises and assists the lead agency in the operation of the state’s Early ACCESS system. [34 CFR 303.8; 303.600; 303.650]

“CSPD” means a comprehensive system of personnel development.

“Day” means calendar day. [34 CFR 303.9]

“Early ACCESS” is the statewide comprehensive, interagency system of integrated early intervention services that supports eligible children and their families. Early ACCESS is part of a larger early care, health, and education system. Services are provided by public and private agencies in partnership with families. The purpose of Early ACCESS is to work together in identifying, coordinating and providing needed services and resources, including informal supports provided by communities, that will help families assist their infants or toddlers to grow and develop. [34 CFR 303.11]

“Eligible children” means infants and toddlers from birth to the age of three years who meet one of the following criteria:

1. Have a condition, based on informed clinical opinion, known to have a high probability of resulting in later delays in growth and development if early intervention services are not provided; or [34 CFR 303.16(b); 303.300(c)]
2. Have a developmental delay, which is a 25 percent delay as measured by appropriate diagnostic instruments and procedures and based on informed clinical opinion, in one or more of the following developmental areas: cognitive development, physical development including vision and hearing, communication development, social or emotional development, or adaptive development. [34 CFR 303.16(a); 303.161; 303.300(a)]

“Evaluation” means the procedures described in subrule 120.27(4) and used by appropriate qualified personnel trained to use appropriate methods or procedures to determine a child’s initial and continuing

eligibility for Early ACCESS consistent with the definition of “eligible children,” including determining the status of the child in each of the developmental areas. [34 CFR 303.322(b)(1)]

“*Family*” means the persons who are primarily responsible for the care and nurturing in the child’s daily life including parents or guardians, persons acting as parents, or siblings.

“*Grantee*” means a recipient of federal Part C funds or state funds designated for Early ACCESS that has the fiscal and legal obligation for ensuring that the Early ACCESS system is carried out regionally.

“*IFSP team*” means a group of participants, including a parent, described in rule 281—120.35(34CFR303) responsible for developing, reviewing and, if appropriate, revising an IFSP for an eligible child. [34 CFR 303.343]

“*Include*” or “*including*” means that the items named are not all of the possible items that are covered whether like or unlike the ones named. [34 CFR 303.15]

“*Individualized education program*” or “*IEP*” means the written record of an eligible individual’s special education and related services for children aged 3 years through 21 years with disabilities as defined in rule 281—41.5(256B,34CFR300). [34 CFR 300.340(a)]

“*Individualized family service plan*” or “*IFSP*” means a written plan for providing early intervention services to an eligible child and the child’s family in accordance with division VII of these rules. [34 CFR 303.340(b)]

“*Individuals with Disabilities Education Act*” or “*IDEA*” means federal statute at 20 U.S.C. §1401 et seq., formerly the Education of the Handicapped Act (EHA), P.L. 94-142, which is the statutory authority for these rules. Regulations implementing IDEA are found at 34 CFR 300, 303.

- “*Part B*” means Part B of IDEA, 34 CFR 300, Assistance to States for the Education of Children with Disabilities, July 1, 1999, that applies to eligible children, as defined in rule 281—41.5(256B,34CFR300), who are transitioning to a preschool special education program.

- “*Part C*” means Part C of IDEA, 34 CFR 303, Early Intervention Program for Infants and Toddlers with Disabilities, July 1, 1998, that establishes the infants and toddlers program for eligible children from birth to the age of three years.

“*Informed clinical opinion*” means the integration of the results of evaluations, direct observations in various settings, and varied activities with the experience, knowledge, and wisdom of qualified personnel. Informed clinical opinion should be used in conjunction with best practice evaluation and assessment.

“*Integrated system of Early ACCESS*” means the statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for eligible children from birth to the age of three years and their families. [34 CFR 303.1(a)]

“*Multidisciplinary*” means the involvement of two or more disciplines or professions in the provision of integrated and coordinated early intervention services including evaluation and assessment activities and the development of the IFSP. [34 CFR 303.17]

“*Native language*,” when used with reference to a person with limited English-speaking ability, means the language or mode of communication normally used by the parent of the eligible child. In all direct contact with the child, communication shall be in the language normally used by the child and not that of a parent if there is a difference between the two. If a parent is deaf or blind, or has no written language, the mode of communication shall be that normally used by the person (such as sign language or Braille). [34 CFR 303.401(b); 303.403(c)]

“*Natural environments*” means settings that are natural or normal for a child who does not have a condition or developmental delay, including home and community settings. Whenever possible, intervention should be embedded into the child’s natural routines. [34 CFR 303.18]

“*Parent*” means (1) a biological or adoptive parent of a child; (2) a foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent; (3) a guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child, but not the state if the child is a ward of the state; (4) a person acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom a child lives, or a person who is legally responsible for the child’s welfare; or (5) a surrogate parent who has been appointed in accordance with 34 CFR 300.519 or 20 U.S.C. 1439(a)(5).

The following criteria shall be used to determine whether a party qualifies as a “parent”:

a. Except as provided in paragraph “*b*,” the biological or adoptive parent, when attempting to act as the parent under this chapter and when more than one party is qualified to act as a parent under this chapter, must be presumed to be the parent for purposes of these rules unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

b. If a judicial decree or order identifies a specific person or persons under (1) through (4) of the definition of “parent” to act as the parent of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the parent for purposes of this definition.

c. A public or private agency involved in the education or care of a child shall not serve as a child’s parent.

d. An employee or contractor with any public or private agency involved in the education or care of a child shall not serve as a parent in that employee’s or contractor’s official capacity.

“*Part B*” means Part B of IDEA, 34 CFR 300, Assistance to States for the Education of Children with Disabilities, July 1, 1999, that applies to eligible children, as defined in rule 281—41.5(256B,34CFR300), who are transitioning to a preschool special education program.

“*Part C*” means Part C of IDEA, 34 CFR 303, Early Intervention Program for Infants and Toddlers with Disabilities, July 1, 1998, that establishes the infants and toddlers program for eligible children from birth to the age of three years.

“*Personally identifiable*” means that information includes:

1. The name of the child, the child’s parent, or other family member;
2. The address of the child;
3. A personal identifier, such as the child’s or parent’s social security number; or
4. A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty. [34 CFR 303.401(c)]

“*Public agency*” means the lead agency and any other political subdivision of the state that is responsible for providing early intervention services to children eligible under these rules and their families. [34 CFR 303.21]

“*Qualified personnel*” means persons who have met the entry-level requirements that are based on the highest requirement in the state applicable to the profession or discipline in which the person is providing early intervention services, as described in division V. [34 CFR 303.12(a)(3)(ii); 303.12(e); 303.22]

“*Records*” means those records that are maintained by a provider or agency that are directly related to the child, and any information pertaining to an eligible child. The type of records covered under this term is further defined in the regulations implementing the Family Education Rights and Privacy Act of 1974 (34 CFR 99). [34 CFR 303.402; 303.540]

“*School year*” means the period during which students who are 3 years of age through 21 years of age attend school.

“*Screening*” means a brief, systematic process conducted by individuals appropriately trained in the screening procedure which is designed to identify children who should receive more in-depth evaluation.

“*Service coordination*” means assistance and services provided by a service coordinator to an eligible child and the child’s family, as described in rule 281—120.15(34CFR303). [34 CFR 303.12(d)(11)]

“*Service coordinator*” means the person who assists the family in coordinating all services across agencies and serves as the single point of contact in helping families obtain the services and assistance they need, as described in rule 281—120.15(34CFR303). [34 CFR 303.23(a)]

“*Transition*” means a coordinated set of activities that prepare the child and family for leaving the Early ACCESS system to enter a Part B preschool program or other community services, as described in division VIII. [34 CFR 303.148]