

**281—120.321 (34CFR303) Evaluation of the child and assessment of the child and family.**

**120.321(1) General.** The department must ensure that, subject to obtaining parental consent in accordance with subrule 120.420(1), each child under the age of three who is referred for evaluation or early intervention services under this chapter and suspected of having a disability receives:

*a.* A timely, comprehensive, multidisciplinary evaluation of the child in accordance with subrule 120.321(4) unless eligibility is established in paragraph 120.321(3) “*a*”; and

*b.* If the child is determined eligible as an infant or toddler with a disability as defined in rule 281—120.21(34CFR303):

(1) A multidisciplinary assessment of the unique strengths and needs of that infant or toddler and the identification of services appropriate to meet those needs;

(2) A family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family’s capacity to meet the developmental needs of that infant or toddler. The assessments of the child and family are described in subrule 120.321(5), and these assessments may occur simultaneously with the evaluation, provided that the requirements of subrule 120.321(4) are met.

**120.321(2) Definitions.** As used in this chapter:

*a.* “Evaluation” means the procedures used by qualified personnel to determine a child’s initial and continuing eligibility under this chapter, consistent with the definition of infant or toddler with a disability in rule 281—120.21(34CFR303);

*b.* “Initial evaluation” means the child’s evaluation to determine the child’s initial eligibility under this chapter;

*c.* “Assessment” means the ongoing procedures used by qualified personnel to identify the child’s unique strengths and needs and the early intervention services appropriate to meet those needs throughout the period of the child’s eligibility under this chapter and includes the assessment of the child, consistent with paragraph 120.321(5) “*a*” and the assessment of the child’s family, consistent with paragraph 120.321(5) “*b*”; and

*d.* “Initial assessment” means the assessment of the child and the family assessment conducted prior to the child’s first IFSP meeting.

**120.321(3) General procedures.**

*a.* A child’s medical and other records may be used to establish eligibility (without conducting an evaluation of the child) under this chapter if those records indicate that the child’s level of functioning in one or more of the developmental areas identified in subrule 120.21(1) constitutes a developmental delay or that the child otherwise meets the criteria for an infant or toddler with a disability under rule 281—120.21(34CFR303). If the child’s Part C eligibility is established under this paragraph, the public agency or EIS provider must conduct assessments of the child and family in accordance with subrule 120.321(5).

*b.* Qualified personnel must use informed clinical opinion when conducting an evaluation and assessment of the child. In addition, the department must ensure that informed clinical opinion may be used as an independent basis to establish a child’s eligibility under this chapter even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments used to establish eligibility under subrule 120.321(4).

*c.* All evaluations and assessments of the child and family must be conducted by qualified personnel, in a nondiscriminatory manner, and selected and administered so as not to be racially or culturally discriminatory.

*d.* Unless clearly not feasible to do so, all evaluations and assessments of a child must be conducted in the native language of the child.

*e.* Unless clearly not feasible to do so, family assessments must be conducted in the native language of the family members being assessed.

**120.321(4)** *Procedures for evaluation of the child.* In conducting an evaluation, no single procedure may be used as the sole criterion for determining a child's eligibility under this chapter. Procedures must include:

- a. Administering an evaluation instrument;
- b. Taking the child's history (including interviewing the parent);
- c. Identifying the child's level of functioning in each of the developmental areas in subrule 120.21(1);
- d. Gathering information from other sources such as family members, other caregivers, medical providers, social workers, and educators, if necessary, to understand the full scope of the child's unique strengths and needs; and
- e. Reviewing medical, educational, or other records.

**120.321(5)** *Procedures for assessment of the child and family.*

a. An assessment of each infant or toddler with a disability must be conducted by qualified personnel in order to identify the child's unique strengths and needs and the early intervention services appropriate to meet those needs. The assessment of the child must include the following:

- (1) A review of the results of the evaluation conducted under subrule 120.321(4);
- (2) Personal observations of the child; and
- (3) The identification of the child's needs in each of the developmental areas in subrule 120.21(1).

b. A family-directed assessment must be conducted by qualified personnel in order to identify the family's resources, priorities, and concerns and the supports and services necessary to enhance the family's capacity to meet the developmental needs of the family's infant or toddler with a disability. The family-directed assessment must:

- (1) Be voluntary on the part of each family member participating in the assessment;
- (2) Be based on information obtained through an assessment tool and also through an interview with those family members who elect to participate in the assessment; and
- (3) Include the family's description of its resources, priorities, and concerns related to enhancing the child's development.