

**281—120.101(34CFR303) State eligibility—requirements for a grant under Part C of the Act.** In order to be eligible for a grant under Part C of the Act for any fiscal year, the state must meet the following conditions:

**120.101(1) Assurances regarding early intervention services and a statewide system.** The state must provide the following assurances to the Secretary that:

*a.* The state has adopted a policy that appropriate early intervention services, as defined in rule 281—120.13(34CFR303), are available to all infants and toddlers with disabilities in the state and their families, including:

(1) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the state;

(2) Infants and toddlers with disabilities who are homeless children and their families; and

(3) Infants and toddlers with disabilities who are wards of the state; and

*b.* The state has in effect a statewide system of early intervention services that satisfies Section 635 of the Act, including policies and procedures that address, at a minimum, the components required in rules 281—120.111(34CFR303) through 281—120.126(34CFR303).

**120.101(2) State application and assurances.** The state must provide information and assurances to the Secretary, in accordance with 34 CFR §303.200 through 34 CFR §303.236, including:

*a.* Information that shows that the state meets the application requirements in rules 281—120.200(34CFR303) through 281—120.212(34CFR303); and

*b.* Assurances that the state also satisfies rules 281—120.221(34CFR303) through 281—120.227(34CFR303).

**120.101(3) Approval before implementation.** The state must obtain approval by the Secretary before implementing any policy or procedure required to be submitted as part of the state's application in 34 CFR §303.203, 303.204, 303.206, 303.207, 303.208, 303.209, and 303.211.

[ARC 7805C, IAB 4/17/24, effective 5/22/24]