

Eligibility Determination

Introduction

Only the Children's Developmental Services Agency can determine eligibility for the Infant-Toddler Program. Eligibility must be determined in one of the approved eligibility categories. (*For additional information, see Policy Bulletin #18 - Eligibility Categories.*) The Children's Developmental Services Agency must determine which individuals within the agency are allowed to make eligibility determinations. There must always be at least two professional level staff members with degrees in disciplines related to early intervention involved in determining a child's eligibility for the Infant-Toddler Program. If eligibility determination occurs following the initial Infant-Toddler Program evaluation, it is recommended that one of the two be someone who evaluated the child. If the designated staff members are unable to reach consensus on whether or not the child is eligible, the director of the Children's Developmental Services Agency makes the eligibility decision.

To qualify for the Infant-Toddler Program in any eligibility category, there must be an identified condition(s) associated with developmental concern and the identified need for developmental, therapeutic, or educational intervention. The Children's Developmental Services Agency is to base eligibility determination on documented evidence and informed clinical opinion. No single procedure may be used as the sole criteria for determining a child's eligibility. Informed clinical opinion makes use of qualitative and quantitative information from qualified professionals to assist in forming a determination regarding difficult-to-measure aspects of current developmental status and the potential need for early intervention. Use of informed clinical opinion is a safeguard against eligibility determination based solely on isolated information or test scores. Quantitative scores can be useful, but are not necessary for eligibility determination except in the Developmental Delay category. (*For more information about informed clinical opinion, see the last section of this Policy Bulletin.*)

Eligibility Determination Procedures

Eligibility Determination Prior to an Initial Infant-Toddler Program Evaluation

Upon receipt of a referral and with written parental consent, the Children's Developmental Services Agency reviews all available information (e.g., medical records, previous evaluation information, diagnostic statement from a physician, substantiated risk factors). If written evidence exists that the child meets the eligibility criteria for one of the eligibility categories, the Children's Developmental Services Agency uses this along with informed clinical opinion to determine the child's eligibility in the appropriate category (or most appropriate category, if the child is eligible in more than one). The written evidence used in making an eligibility decision should be clear and defensible. Examples of such eligibility decisions include:

- if the Children's Developmental Services Agency has a medical report from a physician stating that a child has Spina Bifida, then eligibility for this child can be determined in the Established Conditions category.

- if a child moves in from another state with evaluation information, which is less than six months old, and which indicates a developmental delay that meets the criteria for development delay as defined by the Infant-Toddler Program, then eligibility can be determined in the Developmental Delay category. (*For additional information, see Policy Bulletin #18 - Eligibility Categories.*)

Following this eligibility decision, the Service Coordinator makes arrangements for an initial Infant-Toddler Program evaluation to gather information for intervention planning and Individualized Family Service Plan development. The Service Coordinator coordinates the initial evaluation, afterwards convenes an Individualized Family Service Plan team, and facilitates the intervention planning process and development of an Individualized Family Service Plan.

Eligibility Determination Following an Initial Infant-Toddler Program Evaluation

Upon receipt of a referral and with written parental consent, the Children's Developmental Services Agency reviews all available information (e.g., medical records, previous evaluation information, diagnostic statement from a physician, substantiated risk factors). If written evidence is not available, is not sufficient for determining eligibility, or if there are reservations regarding the existence of developmental concern and need for services, the Children's Developmental Services Agency makes arrangements for an initial Infant-Toddler Program evaluation to gather information needed both for assisting with eligibility determination and for intervention planning and Individualized Family Service Plan development. When all the initial evaluation results are available, the Children's Developmental Services Agency uses this information along with other available information and informed clinical opinion to determine eligibility.

Following eligibility determination, the Service Coordinator convenes an Individualized Family Service Plan team and facilitates the intervention planning process and development of an Individualized Family Service Plan.

A parent who chooses not to enroll his child in the Infant-Toddler Program must understand that the law does not protect them should the parent feel that a particular service or entitlement under the Infant-Toddler Program has been denied them. The parent must be fully informed of the consequences of his choice not to enroll and his right to request services at a later date. For example, a child who is not enrolled in the Infant-Toddler Program is not granted the transition assurances for Preschool Program placement enjoyed by children enrolled in the Infant-Toddler Program, including guaranteed placement, if eligible, on the child's third birthday.

Related Requirements

1. The Children's Developmental Services Agency must ensure that a Service Coordinator is available to assist the family and act as a liaison between the family and the Infant-Toddler Program during the referral and eligibility determination process. (*For additional information, see Policy Bulletin #19 - Referral Process.*)

2. The Infant-Toddler Program's requirements for the initial Infant-Toddler Program evaluation are to be followed for all children. (*For additional information, see Policy Bulletin #21 - Evaluations and Assessments.*)
3. The parent must give written consent using the **Written Parental Consent for Evaluations Form** before the initial multidisciplinary evaluation is conducted. (*For additional information, see Policy Bulletin #12 - Written Parental Consent.*)
4. The parent must be given written notice using the **North Carolina Infant-Toddler Program Written Prior Notice Form** at least ten calendar days before the meeting when eligibility will be determined, and he must be invited to attend. (*For additional information, see Policy Bulletin #13 - Written Prior Notice.*)
5. If the parent disagrees with the eligibility decision, he must follow the procedures for complaint resolution as described in the **Infant-Toddler Program Manual**. (*For additional information, see Policy Bulletin #17 - Complaint Resolution-Individual Child.*)
6. Information related to referral and eligibility determination is recorded by the Children's Developmental Services Agency using Section III of the **North Carolina Infant-Toddler Program Referral Form**. The **North Carolina Infant-Toddler Program Data Form** is completed.
7. The parent is notified, in writing, of the eligibility decision. If the child is ineligible, the parent is informed in writing of his right to:
 - dispute the decision, and
 - have the child referred again for eligibility determination at a future date.

With written authorization from the parent, the referral source and the child's primary physician are notified, in writing, of the eligibility decision. (*For additional information, see Policy Bulletin #11 - Confidentiality and Privacy Issues.*) The **North Carolina Infant-Toddler Program Notification of Eligibility Form** is to be used to provide this notification to the parent, the referral source, and the child's primary physician.

8. If the child is not eligible for the Infant-Toddler Program or ceases to be eligible in the future, the Children's Developmental Services Agency should discuss the need for service coordination with the parent and make a referral to the Child Service Coordination Program or another appropriate community provider, as appropriate. Written authorization from the parent to make this referral is required. The Children's Developmental Services Agency should share information with the parent about other community resources, as appropriate.
9. If the situation arises where a child's category of eligibility should be changed (e.g., from Established Conditions to Developmental Delay), the Children's Developmental Services Agency should be notified and presented with information justifying the change. The Children's Developmental Services Agency reviews the information, conducts evaluations, if appropriate, and makes a determination. If the category of eligibility is changed, this is documented on a **North Carolina Infant-Toddler Program Data Form**.

Fulfillment of Service Coordination Responsibilities Following Eligibility Determination

Following eligibility determination, if the Children's Developmental Services Agency is unable to immediately provide a Service Coordinator and develop the Individualized Family Service Plan, the agency must discuss this with the parent and try to negotiate an agreeable solution. The Children's Developmental Services Agency must inform the parent that the agency is out of compliance with Infant-Toddler Program requirements and remind the parent of his rights to due process. All discussion, negotiation, and on-going communication with the family must be documented by the Children's Developmental Services Agency.

Note: This is also true for instances when the Children's Developmental Services Agency lacks the resources to provide any of the other required Infant-Toddler Program services.

Termination of Eligibility

The Service Coordinator should discuss termination of eligibility for the Infant-Toddler Program with the family if at some point the child appears to no longer be eligible for Infant-Toddler Program services. At that time the Children's Developmental Services Agency should review existing information (such as results of current assessment and evaluation, the current Individualized Family Service Plan, etc.), and/or request new evaluations to determine continued eligibility. The parent should be involved in the process and invited to attend any meeting at which the eligibility of his child will be determined. The *North Carolina Infant-Toddler Program Written Prior Notice Form* should be used to invite the parent to the meeting. The parent must be notified, in writing, of the Children's Developmental Services Agency's decision regarding continued eligibility. With written parental authorization, the original referral source and the child's primary physician must be notified of this change in the child's eligibility status. The *North Carolina Infant-Toddler Program Notification of Eligibility Form* is to be used to provide these notifications to the parent, the referral source, and the child's primary physician. If a decision is made that the child is no longer eligible, it must be documented on the *North Carolina Infant-Toddler Program Data Form*.

Use of Informed Clinical Opinion for Eligibility Decisions

As stated in the opening of this Policy Bulletin, the Children's Developmental Services Agency is to base eligibility determination on documented evidence and informed clinical opinion. Children's Developmental Services Agencies must have clear written evidence that matches one of the eligibility category definitions. It is important that the Children's Developmental Services Agencies adhere closely to these established definitions when making eligibility decisions. This evidence might include test scores, levels on developmental checklists, genetic reports, substantiated risk factors, and ophthalmology or audiology reports. The Children's Developmental Services Agency is to use informed clinical opinion, in addition to the documented evidence, when deciding if the identified conditions for the child and/or family are associated with developmental concern and there is a need for developmental, therapeutic, or educational intervention.

As indicated above, to make an eligibility decision there must be concrete, valid evidence that corresponds with one of the eligibility definitions. Therefore, a statement from a professional which only says that in his opinion the child is in need of early intervention and should be made eligible is not

adequate for eligibility determination. A statement that does not provide documented evidence such as specific risk factors, test scores, or a confirmed diagnosis upon which the professional's opinion is based is not sufficient for determining eligibility. The response to such a statement like this would be an Infant-Toddler Program referral to which the Children's Developmental Services Agency would need to respond with additional information gathering in order to determine eligibility.

Although Infant-Toddler Program procedures provide for eligibility determination prior to an initial Infant-Toddler Program evaluation, Children's Developmental Services Agencies should defer an eligibility decision until after the initial evaluation, if the agency does not feel that the information presented initially is adequate for determining eligibility. The initial evaluation should provide the additional documented evidence needed for the agency to make an eligibility decision. In addition, Children's Developmental Services Agencies can and should decide that a child is not eligible, if information does not support eligibility.