**Section 500.20 Definitions**

"Act" means the Early Intervention Services System Act [325 ILCS 20].

"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 and includes the assessment of the child and the child's family. An initial assessment refers to the assessment of the child and family conducted prior to the child's first Individualized Family Service Plan (IFSP) meeting.

"Child" means children under 36 months of age, or a child eligible for Extended Services.

"Child find" means an activity that identifies potentially eligible infants and toddlers.

"Complaining Party" means, for purposes of Section 500.140, the persons or entities filing a request for a Due Process Hearing.

"Council" or "IICEI" means the Illinois Interagency Council on Early Intervention established under Section 4 of the Early Intervention Services System Act.

"Credential" means an official documentation from the Department's credentialing office that an individual has met pertinent licensing, degree, and certification requirements as set forth in Appendix C, as well as the applicable education, experience, continuing professional education, and ongoing professional development requirements as set forth in Section 500.60.

"Day", for purposes of this Part, means calendar day.

"Department" or "DHS" means the Illinois Department of Human Services.

"Destruction" means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

"EI" means early intervention.

"Early intervention services" or "EI services" means services that:

are designed to meet the developmental needs of an infant or toddler with a disability and the needs of the family to assist appropriately in the infant's or toddler's development, based on scientifically-based research to the extent practicable and as identified by the IFSP team, in the areas of development listed in this definition;

are related to enhancing the child's development;

are selected in collaboration with the child's family;

are provided under public supervision;

are provided at no cost except where a schedule of sliding scale fees or other system of payments by families has been adopted in accordance with State and federal law;

are designed to meet an infant's or toddler's developmental needs in any of the following areas:

cognitive development;

physical development, including vision and hearing;

communication development;

social or emotional development; or

adaptive development;

meet the standards of this Part, including the requirements of the Act;

include one or more of the services set forth in Section 500.55;

are provided by qualified personnel, as set forth in Section 500.60;

are provided in conformity with an IFSP;

are provided throughout the year; and

are provided to the maximum extent appropriate in natural environments, including settings that are natural or typical for a same-age infant or toddler without a disability and may include home or community settings.

"Early Intervention Services System" or "System" means the system of service delivery described in this Part that implements Part C of IDEA in Illinois and the Illinois Early Intervention Services System Act.

"Eligible children" or "eligible child" means infants and toddlers under 36 months of age or children engaged with Extended Services with any of the following conditions:

Developmental delay;

A physical or mental condition that has a high probability of resulting in a developmental delay; or

At risk of having substantial developmental delays, according to informed clinical opinion.

"Developmental delay" means a Department determined eligible level of delay (30% and above) in one or more of the following areas of childhood development: cognitive; physical; communication; social or emotional; or adaptive, as measured by Department approved diagnostic instruments and standard procedures or as confirmed through informed clinical opinion of qualified staff based upon multidisciplinary evaluation and assessment if the child is unable to be appropriately and accurately tested by the standardized measures available.

"Physical or mental condition that has a high probability of resulting in a developmental delay" means a medical diagnosis (see Appendix E) approved by the Department as an eligible condition or confirmed by a qualified family physician, pediatrician or pediatric sub-specialist as being a condition with a relatively well known expectancy for developmental outcomes within varying ranges of developmental disabilities. Pediatric subspecialists included are those such as pediatric neurologists, geneticists, pediatric orthopedic surgeons and pediatricians with special interest in disabilities.

"At risk of substantial developmental delay, according to informed clinical opinion," means that there is consensus of qualified staff based upon multidisciplinary evaluation and assessment that development of a Department determined eligible level of delay is probable if early intervention services are not provided, because a child is experiencing either:

a parent who has been medically diagnosed as having a mental illness or serious emotional disorder defined in the Diagnostic and Statistical Manual V (DSM V) (American Psychiatric Association, 1000 Wilson Boulevard, Suite 1825, Arlington, VA 22209-3901) that has resulted in a significant impairment in the client's level of functioning in at least one major life functional area or a developmental disability; or

three or more of the following risk factors:

current alcohol or substance abuse by the primary caregiver;

primary caregiver who is currently less than 15 years of age;

current homelessness of the child;

chronic illness of the primary caregiver;

alcohol or substance abuse by the mother during pregnancy with the child;

primary caregiver with a level of education equal to or less than the 10th grade, unless that level is appropriate to the primary caregiver's age;

an indicated case of abuse or neglect regarding the child and the child has not been removed from the abuse or neglect circumstances.

Services for children determined to be "at risk" shall not be funded under Federal Part C funding, nor subject to its requirements.

"Enroll" means to enter into a Service Provider Agreement that establishes duties, expectations and relationships between the Department and the individual or agency provider that provides early intervention services to eligible children and their families. A provider must be enrolled to bill and receive payment for services from the Early Intervention Program.

"Evaluation" means the procedures used by qualified personnel to determine a child's initial and continuing eligibility under this Part consistent with the definition of "eligible children" or "eligible child". Initial evaluation refers to the child's evaluation to determine his or her initial eligibility under this Part.

“Extended Services” or "ES" means that the family who is receiving EI services whose child meets all three criteria below, will be able to choose to continue EI/ES beyond the child’s third birthday until the start of the school year following the child’s third birthday as outlined in 34 CFR 303.211(a)(2)(i) and 325 ILCS 20/11(h). If, in the same calendar year, a child’s third birthday occurs after the start of that school year, the child will not be eligible for EI/ES. Those services must continue to be provided in the modality of the family's choice.

This option for extended services through Part C to children over age three applies only if the child:

has been determined eligible for early intervention with services identified and consented to on the IFSP; and

has their third birthday between May 1 and August 31; and

has been found eligible for early childhood special education services under IDEA and 325 ILCS 20/11(h) and at the discretion of the LEA an Individualized Education Program (IEP) is developed at that time or by the time the school year begins at the latest.

"FERPA" means Family Educational Rights and Privacy Act (20 U.S.C. 1232(g)) and the regulations promulgated under that Act (34 CFR 99).

"HFS" means the Illinois Department of Healthcare and Family Services.

"HIPAA" means the Health Insurance Portability and Accountability Act (42 U.S.C. 1320(d)) and the regulations promulgated thereunder at 45 CFR 160, 162 and 164 (Transaction, Privacy and Security).

"IDEA" means the Individuals with Disabilities Education Act (20 U.S.C. 1400, as amended in 2004).

"Individualized Family Service Plan" or "Plan" or "IFSP" means a written plan for providing early intervention services to an eligible child and the child's family, as set forth in Subpart C.

"Individualized Family Service Plan Team", sometimes referred to as the "multidisciplinary team" or "IFSP Team", means a group of people concerned with the developmental needs of the child, including the child's parent/guardian or parents; other family members, as requested by the parent, if feasible to do so; an advocate or person outside of the family, if the parent requests that person to participate; the Service Coordinator; a person or persons directly involved in conducting the child's evaluations and assessments; and, as appropriate, persons who will be providing EI services to the child or family. The multidisciplinary team/IFSP team determines appropriate EI services by consensus as set forth in this Part.

"Infant" or "Toddler" means any child under 36 months of age or a child eligible for Extended Services.

"Informed clinical opinion" means the way in which qualified personnel utilize their cumulative knowledge and experience in evaluating and assessing a child and in interpreting the results of evaluation and assessment instruments.

"Lead agency" means the State agency, as designated by the Governor and the Act, responsible for administering the Act and this Part in accordance with federal laws and rules. The Illinois Department of Human Services (DHS) has been so designated.

"Local Education Agency" or "LEA" means a public board of education or other public authority legally constituted within Illinois for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district or other political subdivision of this State, or for a combination of school districts or counties as are recognized in this State as an administrative agency for its public elementary or secondary schools.

"Local interagency agreement" means an agreement entered into by local community and State and regional agencies receiving early intervention funds directly from the State and made in accordance with State interagency agreements providing for the delivery of early intervention services within a local community area.

"Local interagency council" or "LIC" means a local advisory body established for each designated geographic intake region as set forth in Section 6 of the Early Intervention Services System Act.

"Local service area" means a local interagency council region.

"Multidisciplinary team", sometimes referred to as the "IFSP team", means a group of people concerned with the developmental needs of the child, including the child's parent/guardian or parents; other family members, as requested by the parent, if feasible to do so; an advocate or person outside of the family, if the parent requests that person to participate; the Service Coordinator; a person or persons directly involved in conducting the child's evaluations and assessments; and, as appropriate, persons who will be providing EI services to the child or family. The multidisciplinary team/IFSP team determines appropriate EI services by consensus as set forth in this Part.

"Native language", when used with respect to an individual who is limited English proficient, means the language normally used by that individual, or in the case of a child, the language normally used by the parents of the child. For evaluations and assessments of a child, native language means the language normally used by the child, if determined developmentally appropriate for the child by qualified personnel conducting the evaluation or assessment. Unless clearly not feasible to do so, family assessments must be conducted in the native language of the family members being assessed. Native language, when used with respect to an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, means the mode of communication that is normally used by the individual (such as sign language, Braille, or oral communication).

"Natural environment" means settings that are natural or typical for a same-aged infant or toddler without a disability and may include home or community settings.

"Parent liaison" means an individual who holds an EI Parent Liaison credential and draws from his/her knowledge and personal experience to bring support to families as they learn about the EI Program.

"Parents" means, except as provided in 34 CFR 303.27(b)(1) and (2), a biological or adoptive parent of a child; a foster parent; a guardian generally authorized to act as the parent, or authorized to make early intervention, educational, health or developmental decisions for the child (but not the State if the child is a ward of the State); an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; and a surrogate parent who has been appointed in accordance with Section 500.160.

"Part B" means Part B of the Individuals with Disabilities Education Act (IDEA) governing "Assistance for Education of All Children with Disabilities".

"Part C" means Part C of IDEA governing "Infants and Toddlers with Disabilities".

"Participating agency" means any individual, agency, entity or institution that collects, maintains or uses Personally Identifiable Information (PII) to implement the requirements of this Part.

"Parties" means the persons or entities filing an allegation and the persons or entities against whom the allegations are made. For purposes of Section 500.140, Parties include both the Complaining Party and the Responding Party.

"Personally Identifiable Information" or "PII" means the information governed by FERPA regulations at 34 CFR 99.3.

"Plan" means a written plan for providing EI services to an eligible child and the child's family, as set forth in Subpart C.

"Protected health information" means the health information governed by the HIPAA Privacy and Security regulations at 45 CFR 164.501.

"Qualified personnel" means personnel who have met State approved or recognized certification, licensing, registration or other comparable requirements that apply to the areas in which the individuals are conducing evaluations or assessments or providing EI services.

"Records" means all records regarding a child that are required to be collected, maintained or used under Part C of the Individuals with Disabilities Education Act (20 U.S.C. 1400) and 34 CFR 303.

"Regional intake entity" means the Department's designated entity responsible for implementation of the Early Intervention Services System within its designated geographic area as set forth in Section 500.45.

"Responding Party" means, for purposes of Section 500.140, the persons or entities against whom a Part C allegation is made.

"Service Coordinator" means an individual who holds an EI Service Coordination credential and assists and enables eligible infants and toddlers and their families to receive the services and rights, including procedural safeguards, provided through the EI Program.

"Service Provider Agreement" means the binding written agreement that establishes the duties, expectations and relationship between the Department and the provider of service pursuant to the Illinois Early Intervention Services System Act [325 ILCS 20], Part C of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1431), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Family Educational Rights and Privacy Act Regulations (FERPA) (20 U.S.C. 1232(g)), and this Part.

"Transition" is the process of transferring eligible children receiving early intervention services under this Part out of such services to Part B services or to other appropriate developmental or educational services.

(Source: Amended at 47 Ill. Reg. 1318, effective January 12, 2023)