

## Eligibility and Service Delivery Policies: Differences Between IDEA Part C and IDEA Part B

This document provides a snapshot overview of IDEA Part C and IDEA Part B policies in the following areas: Eligibility Criteria, Eligibility Determination, Types of Services, Service Settings, Service Recipients, Parental Rights, and System of Payments. It is intended as a resource to support transition between these programs for children who are deaf or hard of hearing.

Topic	Part C	Part B
<b>Eligibility Criteria</b>	<p>Each state must establish the criteria for eligibility. All states must include the following two categories in their eligibility criteria:</p> <ol style="list-style-type: none"> <li>1. Is experiencing a developmental delay, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas:               <ol style="list-style-type: none"> <li>a. Cognitive development;</li> <li>b. Physical development, including vision and hearing;</li> <li>c. Communication development;</li> <li>d. Social or emotional development;</li> <li>e. Adaptive development; or</li> </ol> </li> <li>2. Has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.</li> </ol> <p>Each state must determine the percentage of delay that will be used to establish eligibility for Category 1. The state also can establish the list of physical or mental conditions that may result in developmental delay.</p> <p>States have the option of adding an additional eligibility category for infants and toddlers "at risk" for developmental delay because of biological or environmental factors such as including low birth weight, respiratory distress as a newborn, lack of oxygen, brain hemorrhage, infection, nutritional deprivation,</p>	<p>A child with a disability, under Part B of IDEA, means a child evaluated as having:</p> <ol style="list-style-type: none"> <li>1. An intellectual disability,</li> <li>2. A hearing impairment (including deafness),</li> <li>3. A speech or language impairment,</li> <li>4. A visual impairment (including blindness),</li> <li>5. A serious emotional disturbance,</li> <li>6. An orthopedic impairment,</li> <li>7. Autism,</li> <li>8. Traumatic brain injury,</li> <li>9. An other health impairment,</li> <li>10. A specific learning disability,</li> <li>11. Deaf – blindness, or</li> <li>12. Multiple disabilities,</li> <li>13. Optional: Developmental delay (States may adopt developmental delay as a disability category for children aged three through nine or for a subset of that age range. Consult state specific regulations).</li> </ol> <p>Part B definitions related to children who are deaf or hard – of – hearing include:</p> <ol style="list-style-type: none"> <li>1. Deaf – blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other development and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.</li> </ol>



<p><b>Eligibility Criteria</b> <i>Continued</i></p>	<p>a history of abuse or neglect, and being directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.</p>	<ol style="list-style-type: none"> <li>2. Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.</li> <li>3. Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.</li> <li>4. Multiple disabilities mean concomitant impairments (such as intellectual disability–blindness or intellectual disability–orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf–blindness.</li> </ol> <p>For a child to be eligible for Part B services, the child must (1) have a disability (i.e., meet eligibility requirements) and (2) be in need of special education and related services. A team of qualified professionals and the parent of the child shall make the determination of eligibility and determine the educational needs of the child.</p>
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<p><b>Eligibility Determination</b></p>	<p><u>Evaluation</u> in Part C is defined as the process used by qualified personnel to determine a child's initial and continuing eligibility. The process must include:</p> <ol style="list-style-type: none"> <li>1. Administration of an evaluation instrument;</li> <li>2. Taking the child's history which includes an interview with the child's family;</li> <li>3. Identifying the child's level of function in the following five areas:             <ol style="list-style-type: none"> <li>a. Cognitive development;</li> <li>b. Physical development including vision and hearing;</li> <li>c. Communication development;</li> <li>d. Social/emotional development; and</li> <li>e. Adaptive development.</li> </ol> </li> <li>4. Gathering other relevant information to fully understand the child's strengths and needs; and</li> <li>5. Reviewing medical, educational and other records.</li> </ol> <p>It is important to note that a child's medical and other records may be used to establish eligibility (without conducting an evaluation of the child) under this part if those records indicate that the child's level of functioning in one or more of the developmental areas constitutes a developmental delay that meets the state's eligibility criteria.</p> <p><u>Assessment</u> is defined as the ongoing procedures used by qualified personnel to identify the strengths and needs of the child and the family's priorities and concerns for the purpose of establishing the initial Individualized Family Service Plan and on an ongoing basis to monitor the services and supports provided.</p>	<p><u>Evaluation</u> in Part B is defined as the procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. The evaluation procedures must include:</p> <ol style="list-style-type: none"> <li>1. The use of a variety of technically sound assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining:             <ol style="list-style-type: none"> <li>a. Whether the child has a disability, and</li> <li>b. The content of the child's Individualized Education Program (IEP), including information related to enabling the child to participate in appropriate activities.</li> </ol> </li> <li>2. Any single measure or assessment as the sole criterion for determining whether a child has a disability and for determining an appropriate educational program for the child may not be used (i.e., you must use a variety of assessment tools and strategies).</li> <li>3. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.</li> </ol> <p>It is important to note that the child should be assessed in all areas related to the suspected disability, including, if appropriate:</p> <ol style="list-style-type: none"> <li>1. Health,</li> <li>2. Vision,</li> <li>3. Hearing,</li> <li>4. Social and emotional status,</li> <li>5. Intelligence,</li> <li>6. Academic performance,</li> <li>7. Communicative status, and</li> <li>8. Motor abilities.</li> </ol>
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<p><b>Types of Services</b></p>	<p>Part C services are developmental in nature and provided on an individualized, family-centered basis. Services identified in the regulations include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Assistive Technology Device and Services,</li> <li>2. Audiology,</li> <li>3. Family Training and Counseling,</li> <li>4. Health Services,</li> <li>5. Medical Services,</li> <li>6. Nursing Services,</li> <li>7. Nutrition Services,</li> <li>8. Occupational Therapy,</li> <li>9. Physical Therapy,</li> <li>10. Psychological Services,</li> <li>11. Service Coordination,</li> <li>12. Sign Language and Cued Language,</li> <li>13. Social Work Services,</li> <li>14. Special Instruction,</li> <li>15. Transportation and Related Services,</li> <li>16. Vision Services, and</li> <li>17. Speech/Language Therapy.</li> </ol>	<p>Part B services are educational in nature and provided on an individualized basis. They are related to a child’s measurable and annual goals, including academic and functional goals, that are designed to:</p> <ol style="list-style-type: none"> <li>1. Meet the child’s needs to enable the child to be involved in and make progress in the general education curriculum or to participate in appropriate activities, and</li> <li>2. Meet the child’s other educational needs that result from the child’s disability.</li> </ol> <p>This requires that the child’s IEP include a statement of the special education and related services and supplementary aids and services (based on peer-reviewed research to the extent practical) needed by the child, and a statement of program modifications or supports for school personnel that will be provided to the child.</p> <p>Part B guidelines further include definitions and descriptions of special education, related services, and supplementary aids and services.</p>
<p><b>Service Setting</b></p>	<p>Part C requires that services provided to an eligible infant and toddler be provided in settings that are natural or typical for the same-aged infant or toddler without a disability. The regulatory term “natural environment” is used to define the implementation of services within the daily routines and activities of the family and their child.</p>	<p>Part B requires that special education and related services are provided in a child’s least restrictive environment (LRE). LRE requires that each public agency ensures that:</p> <ol style="list-style-type: none"> <li>1. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled, and</li> <li>2. Special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.</li> </ol>



<p><b>Service Recipients</b></p>	<p>In Part C, services are provided to each eligible child within the context of their family and caregivers. Services and supports that are identified in the family's Individualized Family Service Plan are based on the family's identified priorities and concerns for their child and must address the child's developmental needs.</p>	<p>In Part B, special education and related services are provided to each eligible student between the ages of 3 and 21. Special education and related services are determined by the child's IEP. Special education, related services, and supplementary aids and services are determined based on a child's functional and academic needs and should enable the child to be involved in and make progress in the general education curriculum or to participate in appropriate activities.</p>
<p><b>Parental Rights</b></p>	<p>Families in Part C have the same parental rights as families in Part B. In many states, Part C adopts the Part B safeguards. In all cases, families have the right of consent from referral through transition. Part C is a totally voluntary program on the part of parents.</p>	<p>Families in Part B have the same parental rights as families in Part C. In all cases, similar to Part C, families have the right of consent from initial evaluation to placement and provision of special education and related services to post-school transition or exit from special education.</p>
<p><b>System of Payments</b></p>	<p>Part C statute and regulations provide for a system of payment for Part C services. States must develop written policy that must be provided to all families that explains what, if any, responsibility the family has for supporting the costs of services through the use of public or private insurance or family fees.</p>	<p>Free appropriate public education, a provision in Part B, means that special education and related services:</p> <ol style="list-style-type: none"> <li>1. Are provided at public expense under public supervision and direction, and without charge,</li> <li>2. Meet the standards of the State Educational Agency (SEA),</li> <li>3. Include an appropriate preschool, elementary school, or secondary school education in the State, and</li> <li>4. Are provided in conformity with an IEP.</li> </ol>

**Reference:**

Individuals With Disabilities Education Act, 20 U.S.C. § 1400 (2004).

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