

## STATE DEFINITION OF DEVELOPMENTAL DELAY

For the State of Hawaii the following definitions will be used to determine those who are infants and toddlers with special needs as defined in §303.160. These definitions have been established by State Law and are contained in HRS §321.351.

*Developmental Delay*

**Definition.** Developmental delay means a delay in one or more of the following areas of development: cognitive development; physical development (including vision and hearing); communication development; social or emotional development; and adaptive development.

**Eligibility.** Eligibility will be determined by a multidisciplinary team using evaluation instruments standardized on this population, obtaining quantifiable measures, such as percent of delay, standard deviation, and months of delay. Other less quantifiable criteria will also be considered, such as functional status, recent rate of change, prognosis for change in the near future based on anticipated medical/health factors and other factors that may be relevant to the needs of that infant or toddler and the family.

This eligibility is based on the philosophical belief that neither a percentage of delay, nor level of standard deviation should be an absolute or sole requirement to establish eligibility. It is the belief of the Council that a multidisciplinary team can by consensus determine whether any referred infant or toddler has problems of sufficient scope to benefit from early intervention services in the vast majority of cases. There have been no reported problems and no complaints received regarding the implementation of this eligibility criteria during the years of full participation.

A relatively small number of professionals participate in the diagnostic process, helping to assure the comparability of eligibility criteria across the State.

**Multidisciplinary Team.** The composition of the multidisciplinary team will vary, depending on the needs of the infant or toddler. A multidisciplinary team is defined as one consisting of two or more professionals, with the parents/family being considered a professional member of the team.

The team for any child will be determined by the care coordinator in collaboration with the family and the referring source. It may include a social worker, a special educator or developmental specialist, an occupational therapist, a physical therapist, or speech- language pathologist. It may also include a nurse, a nutritionist, an audiologist, or a psychologist. Each child's pediatrician or primary care provider will be invited to participate. The team will determine the need for additional specialty evaluations. Each member of the team providing an evaluation of the child or family will be responsible for submitting a written report of the evaluation, including any quantifiable results from standardized testing.

**Procedures to Use in Determining Eligibility.** Both the quantifiable and descriptive information obtained during the multidisciplinary assessment will be used to determine eligibility. If during the IFSP meeting there is not unanimous consensus, majority consensus will prevail. If the parents agree with the majority, there will be no further resolution for the non-consensus. If the parents do not agree with the majority, or if they are evenly divided, the parents may request resolution of the dispute under the Part C regulations included in this application. There has not been a single complaint received from a parent during the previous years of full implementation.

The care coordinator will be responsible for developing and coordinating the report, extrapolating the descriptions of developmental functioning for the IFSP, and for summarizing the results of the evaluations and the recommendations of the professionals.

### **Biological Risk**

**Definition.** Biological risk means prenatal, perinatal, neonatal, or early developmental events suggestive of biological insults to the developing central nervous system which increase the probability of delayed development. These are the children under 303.16 (2) who have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay. It includes, but is not limited to infants and toddlers in the two following categories:

1. Any infant or toddler who has a diagnosed medical (physical or mental) condition with a high probability of resulting in developmental delay: for example, but not limited to, Down Syndrome, Fetal Alcohol Syndrome, AIDS, moderate-severe asphyxia, sensory impairments, SGA, gestational ages under 32 weeks, failure to thrive, hearing loss resulting from chronic otitis media, and infants born to mothers with diabetes, history of substance abuse, or history of mental illness.
2. Very low birth weight infants (1,500 grams or less).

**Eligibility.** Eligibility within this category will be determined based on a statement/report signed by a physician, indicating the condition which is likely to lead to developmental delay.

### **Environmental Risk**

**Definition.** Environmental risk means physical, social, or economic factors which may limit development. Hawaii has elected to include within its eligible population those infants and toddlers who are at risk of having substantial developmental delays if early intervention services are not provided [ §303.16 (b)]. Environmental risk includes, but is not limited to the following conditions:

- a. Birthweight between 1,500 and 2,500 grams, in combination with any other environmental risk factor;

- b. Parental age less than sixteen;
- c. Parental age between sixteen and eighteen and less than a high school education in combination with any other environmental risk factor;
- d. Any existing physical, developmental, emotional, or psychiatric disability in a primary caregiver;
- e. Presence of physical, developmental, emotional, or psychiatric disability in a sibling or any other family member in the home in combination with any other environmental risk factor;
- f. Abuse of any legal or illegal substance by a primary caregiver;
- g. Risk for child abuse and neglect;
- h. Economically disadvantaged family in combination with any other environmental risk factor;
- i. Single parent in combination with any other environmental risk factor;  
and
- j. Incarceration of a primary caregiver in combination with any other environmental risk factor.

**Eligibility.** Eligibility as an infant or toddler with special needs because of an environmental risk factor will be established by documentation of the risk factor/factors by the interim care coordinator.

### ***Multiple Categories***

The Council and the Department recognize that at any one time any infant or toddler may be eligible for services based on all three of the preceding definitions. There obviously exists tremendous overlap in the population, so that the same infant who is at environmental risk, may have also been low-birthweight and may be already showing delays. This potential overlap is diagramed on the following page.

The service system will respond to the needs of the individual infant and toddler and their family, irrespective of the category which establishes his/her eligibility for services. Whenever those needs change, eligibility does not need to be established under a different eligibility category. The IFSP merely needs to be revised to reflect additional assessment information and what new services are to be provided.