

# TITLE I AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

This Act may be cited as the Individuals with Disabilities  
Education Improvement Act of 2004.

## PART D NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

### Sec. 632. Definitions.

For a PDF of full regulatory language, please click [statute](#).

#### Definitions

##### (1) AT-RISK INFANT OR TODDLER

The term ‘at-risk infant or toddler’ means an individual under 3 years of age who would be at risk of experiencing a substantial developmental delay if early intervention services were not provided to the individual.

##### (2) COUNCIL

The term ‘council’ means a State interagency coordinating council established under section 641.

##### (3) DEVELOPMENTAL DELAY

The term ‘developmental delay’, when used with respect to an individual residing in a State, has the meaning given such term by the State under section 635(a) (1).

##### (4) EARLY INTERVENTION SERVICES

The term ‘early intervention services’ means developmental services that— “(A) are provided under public supervision; “(B) are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees; “(C) are designed to meet the developmental needs of an infant or toddler with a disability, as identified by the individualized family service plan team, in any 1 or more of the following areas: “(i) physical development; “(ii) cognitive

development; “(iii) communication development; “(iv) social or emotional development; or “(v) adaptive development; “(D) meet the standards of the State in which the services are provided, including the requirements of this part; “(E) include— “(i) family training, counseling, and home visits; “(ii) special instruction; “(iii) speech-language pathology and audiology services, and sign language and cued language services; “(iv) occupational therapy; “(v) physical therapy; “(vi) psychological services; “(vii) service coordination services; “(viii) medical services only for diagnostic or evaluation purposes; “(ix) early identification, screening, and assessment services; “(x) health services necessary to enable the infant or toddler to benefit from the other early intervention services; “(xi) social work services; “(xii) vision services; “(xiii) assistive technology devices and assistive technology services; and “(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant’s or toddler’s family to receive another service described in this paragraph; “(F) are provided by qualified personnel, including— “(i) special educators; “(ii) speech-language pathologists and audiologists; “(iii) occupational therapists; “(iv) physical therapists; “(v) psychologists; “(vi) social workers; “(vii) nurses; “(viii) registered dietitians; “(ix) family therapists; “(x) vision specialists, including ophthalmologists and optometrists; “(xi) orientation and mobility specialists; and “(xii) pediatricians and other physicians; “(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate; and “(H) are provided in conformity with an individualized family service plan adopted in accordance with section 636.

#### (5) INFANT OR TODDLER WITH A DISABILITY

The term ‘infant or toddler with a disability’— “(A) means an individual under 3 years of age who needs early intervention services because the individual— “(i) is experiencing developmental delays, as measure by appropriate diagnostic instruments and procedures in 1 or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or “(ii) has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay; and “(B) may also include, at a State’s discretion— “(i) at-risk infants and toddlers; and “(ii) children with disabilities who are eligible for services under section 619 and who previously received services under this part until such children enter, or are eligible under State law to enter, kindergarten or elementary school, as appropriate, provided that any programs under this part serving such children shall include— “(I) an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills; and “(II) a written notification to parents of their rights and responsibilities in determining whether their child will continue to receive services under this part or participate in preschool programs under section 619.