

AGES 0-5

Authorities: 20 [United States Code \(USC\)](#) §1436; 34 [Code of Federal Regulations \(CFR\)](#) Parts 300 and 303; Texas Education Code ([TEC](#)); Texas Government Code ([TGC](#)); 19 [Texas Administrative Code \(TAC\)](#) Chapter 89

--	--

FEDERAL AND STATE REQUIREMENTS	
Practice	The local educational agency (LEA) will comply with the CHILD FIND frameworks.
Practice	The LEA will develop a system to notify the population in the LEA with children who are at least three years of age but younger than six years of age and who are eligible for enrollment in a special education program of the availability of the program. Citations: TEC 29.009
AGE RANGE FOR ELIGIBILITY	
Practice	The LEA will ensure that a free appropriate public education (FAPE) is made available to all eligible children with disabilities ages 3-21. Citations: 89.1035(a) TEC 29.003(b) 300.101(a)
Practice	The LEA will ensure that FAPE is made available from birth to children with through 21 years of age if the child has visual impairments, or who are is deaf or hard of hearing, or is deaf-blind; and comply with: Citations: 89.1035(b) TEC 29.003(b)(1) TGC 392.002
Practice	<ul style="list-style-type: none">• The VISUAL IMPAIRMENT framework;
Practice	<ul style="list-style-type: none">• The DEAF OR HARD OF HEARING framework; or
Practice	<ul style="list-style-type: none">• The DEAF-BLINDNESS framework.
NONCATEGORICAL EARLY CHILDHOOD	

FEDERAL AND STATE REQUIREMENTS	
<u>Practice</u>	<p>The child between the ages of three through five may be described as eligible for special education services based on the <u>NONCATEGORICAL EARLY CHILDHOOD</u> framework if eligibility criteria are consistent with that framework.</p> <p>Citations: 89.1040(c)(13)</p>
	DEVELOPMENTAL DELAY
<u>Practice</u>	<p>The child between the ages of three through nine may be described as eligible for special education services based on the <u>DEVELOPMENTAL DELAY</u> framework, if eligibility criteria are satisfied consistent with that framework.</p> <p>Citations: 89.1040(c)(13)</p>
	INDIVIDUALIZED FAMILY SERVICE PLAN
<u>Practice</u>	<p>For the child from birth through two years of age with a <u>VISUAL IMPAIRMENT</u> or who is <u>DEAF OR HARD OF HEARING</u>, an individualized family services plan (IFSP) meeting will be held in place of an admission, review, and dismissal (ARD) committee meeting. For children three years of age and older, school districts will develop an individualized education program (IEP).</p> <p>Citations: 89.1050(b)</p>
<u>Practice</u>	<p>IFSP has the meaning given the term in the Individuals with Disabilities Education Act (IDEA) Part C.</p> <p>Citations: 300.24 303.20 20 USC 1436</p>
<u>Practice</u>	<p>The LEA will ensure the IFSP contains:</p> <p>Citations: 300.323(b)(1)(ii) 303.344</p>
<u>Document</u>	<ul style="list-style-type: none"> • A statement of the infant's or toddler's present levels of physical development including vision, hearing, and health status, cognitive development, communication development, social or emotional development, and adaptive development based on the information from that child's evaluation and assessments;

FEDERAL AND STATE REQUIREMENTS	
	<p>Citations: 303.321 303.344(a)</p>
<u>Document</u>	<ul style="list-style-type: none"> With the concurrence of the family, a statement of the family's resources, priorities, and concerns relating to enhancing the development of the child as identified through the assessment of the family; <p>Citations: 303.321(c)(2) 303.344(b)</p>
<u>Document</u>	<ul style="list-style-type: none"> A statement of the measurable results or measurable outcomes expected to be achieved for the child including pre-literacy and language skills as developmentally appropriate for the child and family, and the criteria, procedures, and timelines used to determine: <p>Citations: 303.344(c)</p>
<u>Document</u>	<ul style="list-style-type: none"> The degree to which progress toward achieving the results or outcomes identified in the IFSP is being made; and <p>Citations: 303.344(c)(1)</p>
<u>Document</u>	<ul style="list-style-type: none"> Whether modifications or revisions of the expected results or outcomes, or early intervention of services are necessary; <p>Citations: 303.344(c)(2)</p>
<u>Document</u>	<ul style="list-style-type: none"> A statement of the specific early intervention services, based on peer-reviewed research, to the extent practicable, that are necessary to meet the unique needs of the child and the family to achieve the results or outcomes identified in the IFSP, including: <p>Citations: 303.344(d)(1)</p>

FEDERAL AND STATE REQUIREMENTS	
<u>Document</u>	<ul style="list-style-type: none"> ○ The length, duration, frequency, intensity, and method of delivering the early intervention services; <p>Citations:</p> <p>303.344(d)(1)(i)</p> <p>303.344(d)(2)</p>
<u>Document</u>	<ul style="list-style-type: none"> • A statement that each early intervention service is provided in the natural environment for that child or service to the maximum extent appropriate, or a justification as to why an early intervention service will not be provided in the natural environment including: <p>Citations:</p> <p>303.126</p> <p>303.13(a)(8)</p> <p>303.26</p> <p>303.344(d)(1)(ii)(A)</p>
<u>Document</u>	<ul style="list-style-type: none"> ○ The location of the early intervention services; and <p>Citations:</p> <p>303.344(d)(1)(iii)</p> <p>303.344(d)(3)</p>
<u>Document</u>	<ul style="list-style-type: none"> ○ The payment arrangements, if any; <p>Citations:</p> <p>303.344(d)(1)(iv)</p>
<u>Document</u>	<ul style="list-style-type: none"> • For children who are at least three years of age, an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills; <p>Citations:</p> <p>303.344(d)(4)</p>
<u>Document</u>	<ul style="list-style-type: none"> • The projected date for the initiation of each early intervention service in the IFSP which will be as soon as possible after the parent consents to the service; <p>Citations:</p> <p>303.342(e)</p> <p>303.344(d)(1)</p> <p>303.344(f)(1)</p> <p>303.420(a)(3)</p>

FEDERAL AND STATE REQUIREMENTS	
<u>Document</u>	<ul style="list-style-type: none"> • The anticipated duration of each service; <p>Citations: 303.344(f)(2)</p>
<u>Document</u>	<ul style="list-style-type: none"> • The name of the service coordinator from the profession most relevant to the child's or family's needs or who is otherwise qualified to carry out all applicable responsibilities under this part, who will be responsible for implementing the early intervention services identified in the child's IFSP, including transition services, and coordination with other agencies and persons; and <p>Citations: 303.34 303.344(g)(1) 303.344(g)(2)</p>
<u>Document</u>	<ul style="list-style-type: none"> • The steps and services to be taken to support the smooth transition of the child from IDEA Part C services to: <p>Citations: 303.209</p>
<u>Document</u>	<ul style="list-style-type: none"> ○ Preschool services under IDEA Part B, to the extent that those services are appropriate; or <p>Citations: 303.209(a)(1)(i) 303.344(h)(1)(i)</p>
<u>Document</u>	<ul style="list-style-type: none"> ○ Exiting the program for infants and toddlers with disabilities. <p>Citations: 303.209(a)(1)(ii) 303.344(h)(1)(iii)</p>
<u>Document</u>	<p>To the extent appropriate, the IFSP also will:</p> <p>Citations: 303.344(e)</p>
<u>Document</u>	<ul style="list-style-type: none"> • Identify medical and other services that the child or family needs or is receiving through other sources, but that are neither required nor funded under this part; and <p>Citations:</p>

FEDERAL AND STATE REQUIREMENTS	
	<u>303.344(e)(1)</u>
<u>Document</u>	<ul style="list-style-type: none"> • If those services are not currently being provided, include a description of the steps the service coordinator or family may take to assist the child and family in securing those other services. <p>Citations: <u>303.34</u> <u>303.344(e)(2)</u></p>
<u>Document</u>	<p>The determination of the appropriate setting for providing early intervention services to the infant or toddler with a disability, including any justification for not providing a particular early intervention service in the natural environment for that infant or toddler with a disability and service, will be:</p> <p>Citations: <u>303.344(d)(1)(ii)(B)</u></p>
<u>Document</u>	<ul style="list-style-type: none"> • Made by the IFSP team which includes the parent and other team members; <p>Citations: <u>300.30</u> <u>303.344(d)(1)(ii)(B)(1)</u></p>
<u>Document</u>	<ul style="list-style-type: none"> • Consistent with the IDEA Part C provisions regarding natural environments; and <p>Citations: <u>303.126</u> <u>303.13(a)(8)</u> <u>303.26</u> <u>303.344(d)(1)(ii)(B)(2)</u></p>
<u>Document</u>	<ul style="list-style-type: none"> • Based on the child's outcomes that are identified by the IFSP team. <p>Citations: <u>303.344</u> <u>303.344(d)(1)(ii)(B)(3)</u></p>
<u>Practice</u>	Children from birth through the age of two with visual impairments, who are deaf or hard of hearing, or who are deaf-blind must be enrolled at the parent's request by a school district when the district becomes aware of a child needing services.

FEDERAL AND STATE REQUIREMENTS	
	<p>Citations: <u>89.1005(f)</u></p>
<u>Document</u>	<p>The appropriate instructional arrangement for children from birth through the age of two with visual impairments, who are deaf or hard of hearing, or who are deaf-blind will be determined in accordance with the IFSP, current attendance guidelines, and the agreement memorandum between the Texas Education Agency and the Texas Health and Human Services Commission (HHSC) Early Childhood Intervention (ECI) services, subject to the following guidelines:</p> <p>Citations: <u>89.1005(f)</u> <u>TGC 392.002</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • A home-based instructional arrangement/setting may be used for services to infants and toddlers, birth through age two, when determined appropriate by the child's IFSP committee; <p>Citations: <u>89.1005(f)(1)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • A center-based instructional arrangement/setting is used when the child receives services in a day care center, rehabilitation center, or other school/facility contracted with the HHSC as an ECI provider/program; and <p>Citations: <u>89.1005(f)(2)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Funding may only be claimed if the district is involved in the provision of the ECI and other support services for the child. Otherwise, the child would be enrolled and indicated as not in membership for purposes of funding. <p>Citations: <u>89.1005(f)(3)</u></p>
TRANSITION FROM IDEA PART C TO IDEA PART B PRESCHOOL PROGRAMS	
<u>Practice</u>	<p>The state will have in effect policies and procedures to ensure that children participating in ECI programs assisted under IDEA Part C, and who will participate in preschool programs assisted under</p>

FEDERAL AND STATE REQUIREMENTS	
	<p>IDEA Part B, experience a smooth and effective transition to those preschool programs.</p> <p>Citations: 300.124(a)</p>
<u>Practice</u>	<p>For the child who may be eligible for preschool services under IDEA Part B, HHSC will:</p> <p>Citations: 303.209(b)(1)</p>
<u>Practice</u>	<ul style="list-style-type: none"> Not fewer than 90 days before the third birthday of the child with a disability, notify the LEA for the area in which the child resides, that the child will shortly reach the age of eligibility for services under IDEA Part B unless the parent has opted out of the disclosure in writing; <p>Citations: 303.209(b)(1)(i)</p>
<u>Practice</u>	<ul style="list-style-type: none"> In the case of the child who is determined to be eligible for IDEA Part C services more than 45 days but less than 90 days before that child's third birthday, as soon as possible after determining the child's eligibility, notify the LEA for the area in which the toddler with a disability resides that the toddler will reach the age of eligibility for services under IDEA Part B, unless the parent has opted out of the disclosure in writing; or <p>Citations: 303.209(b)(1)(ii)</p>
<u>Practice</u>	<ul style="list-style-type: none"> In the case of the child who is referred for IDEA Part C services fewer than 45 days before that child's third birthday, with parental consent, refer the child to the LEA for the area in which the child resides; but, HHSC is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances. <p>Citations: 303.209(b)(1)(iii) 303.414</p>
<u>Practice</u>	<p>The HHSC notification will be consistent with any policy that the state has adopted concerning confidentiality of personally</p>

FEDERAL AND STATE REQUIREMENTS	
	identifiable information and early intervention records permitting a parent to object to disclosure of personally identifiable information. Citations: 303.209(b)(1)(i) 303.209(b)(1)(ii) 303.209(b)(2) 303.401(e)
<u>Practice</u>	Unless the parent timely objects to the HHSC notification, notification will include the following personally identifiable information: Citations: 303.401(d)
<u>Document</u>	<ul style="list-style-type: none"> • The child's name; Citations: 303.401(d)(1)(i)
<u>Document</u>	<ul style="list-style-type: none"> • The child's date of birth; and Citations: 303.401(d)(1)(ii)
<u>Document</u>	<ul style="list-style-type: none"> • Parent contact information including parents' names, addresses, and telephone numbers. Citations: 303.401(d)(1)(iii)
<u>Practice</u>	For the child who may be eligible for preschool services, HHSC will, with the approval of the child's family, convene a transition conference among HHSC, the family, and the LEA not fewer than 90 days and, at the discretion of all parties, not more than nine months before the child's third birthday to discuss any services the child may receive under IDEA Part B. Citations: 303.209(c)(1)
<u>Practice</u>	The LEA will participate in transition conferences arranged by the designated HHSC. Citations: 300.124(c)
<u>Practice</u>	Any transition conference or IFSP meeting to develop the transition plan, which conference and meeting may be combined into one meeting, will meet the IDEA Part C requirements concerning

FEDERAL AND STATE REQUIREMENTS	
	<p>accessibility and convenience of meetings, parental consent for services, and initial and annual IFSP meetings.</p> <p>Citations:</p> <p>303.209(c)(1) 303.209(d) 303.209(e) 303.342(d) 303.342(e) 303.343(a)</p>
<u>Practice</u>	<p>In the case of the child who was previously served under IDEA Part C, the LEA will send an invitation to the initial ARD committee meeting at the request of the parent to the IDEA Part C service coordinator or other representatives of the IDEA Part C system to assist with the smooth transition of services according to the ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEMBERSHIP and PRIOR WRITTEN NOTICE frameworks.</p> <p>Citations:</p> <p>300.321(f)</p>
<u>Practice</u>	<p>By the third birthday of the child, the LEA will ensure that an IEP or in some cases an IFSP, has been developed and implemented for the child.</p> <p>Citations:</p> <p>300.124(b)</p>
IEP	
<u>Practice</u>	<p>The LEA will ensure that an IEP is in effect for eligible children with disabilities no later than the child's third birthday and in compliance with the ADMISSION, REVIEW, AND DISMISSAL COMMITTEE frameworks.</p> <p>Citations:</p> <p>89.1035(a) 300.101(b)(1)(i)</p>
<u>Practice</u>	<p>If the child's third birthday occurs during the summer, the child's ARD committee must determine the date when services will begin.</p> <p>Citations:</p> <p>300.101(b)(2)</p>
<u>Practice</u>	<p>The ARD committee will comply with the LEAST RESTRICTIVE ENVIRONMENT framework.</p>
<u>Practice</u>	<p>Home-based instruction may be used for young children, ages three through five when determined appropriate by the ARD committee and as documented in the child's IEP.</p>

FEDERAL AND STATE REQUIREMENTS	
	Citations: <u>89.1005(e)(2)(B)</u>
	DUAL ENROLLMENT
<u>Practice</u>	The parent of an eligible child who is age three or four has the right to dual enroll the child in both the public and private school beginning on the child's third birthday and continuing until the end of the school year in which the child turns five or until the child is eligible to attend the LEA's kindergarten program, whichever comes first. Citations: <u>89.1096(c)</u>
<u>Practice</u>	When the parent chooses dual enrollment for the eligible child, the LEA will comply with the <u>CHILDREN IN PRIVATE SCHOOLS</u> framework.

Last Updated : ~~Mon, Mar 24, 2025~~ Thur, Feb 12, 2026