

Regulatory Components for Michigan’s *Early On*® System: Eligibility and Service Provision

Early On Michigan Federal Regulations and State Policy

- Part C of Individuals with Disabilities Education Act (IDEA) Regulations 34 CFR 303
- Michigan Part C State Plan
- Michigan State School Aid Act, Section 54d
- Michigan School Code – Public Act (PA) 451 of 1976
- Michigan Administrative Rules for Special Education

Early On Michigan Eligibility

All infants and toddlers eligible for *Early On* are entitled to services and procedural safeguards available through Part C of IDEA.

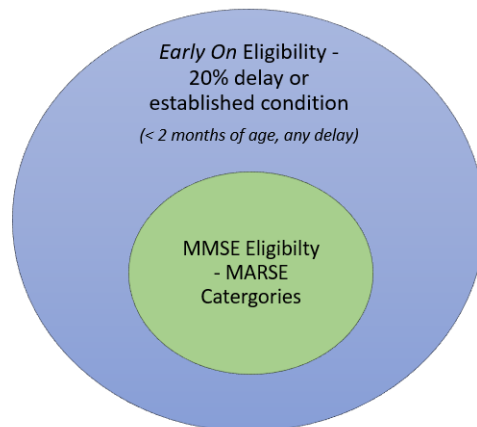
Early On Part C Eligibility

There are multiple ways an infant or toddler may become eligible for *Early On*. These include:

- **Developmental Delay:** Infants birth to 2 months qualify for *Early On* with any delay in development. For children 2 months to age 3 years, a 20 percent or greater developmental delay, or 1 standard deviation below the mean, qualifies them as eligible.
- **Established Condition:** Infants and toddlers with a diagnosed medical condition likely to result in a delay qualify for *Early On* under Established Condition.

Early On Part C with Michigan Mandatory Special Education (MMSE) Eligibility

Some infants and toddlers in *Early On* with greater developmental delays or more intense needs may also qualify for services through MMSE. Eligibility for MMSE services is determined under one of the categories of eligibility within the Michigan Administrative Rules for Special Education (MARSE) (see [eligibility resource folder](https://eotta.ccsesa.org/Resources.php?id=188&Resources=1) <https://eotta.ccsesa.org/Resources.php?id=188&Resources=1> for eligibility categories). About 40 percent of children who are eligible for *Early On* are also eligible for services under MMSE. Any child, birth to age 3, who qualifies under MMSE is also eligible for *Early On*.



For Birth to 3, MMSE Follows the Requirements of Part C of IDEA and MARSE

The Michigan School Code - PA 451 of 1976 is a state law that authorizes special education for children and students, birth to age 26. The federal special education law under Part B of IDEA authorizes special education for children beginning at age 2 years 6 months. There are specific requirements in Part C of IDEA and in MARSE which address early intervention for children from birth to age 3 that differ from Part B of IDEA requirements. These differences include timelines, procedural safeguards, and eligibility. Part B of IDEA does not apply to infants and toddlers with an Individualized Family Service Plan (IFSP).

Part C of IDEA Requirements for Birth to 3 Early Intervention

Individualized Family Service Plan (IFSP)

All services are written into an IFSP per 34 CFR § 303.344(d). This includes any service provided as an MMSE service as well as a Part C only service.

The IFSP is a written plan for providing early intervention services to eligible children and families that is developed and implemented in a family-centered manner for each eligible child. It is based on a review of a comprehensive multidisciplinary child evaluation (not required if the child has an established condition), an assessment of the child's unique strengths and needs, and on a family-directed assessment of the family's resources, priorities, and concerns. Utilizing the information gathered in the evaluation and/or assessment, child and family outcomes are developed or updated collaboratively at the IFSP meeting. These outcomes are reviewed at least every six months during the child's participation in *Early On*. The IFSP process is required for children eligible under Part C, including MMSE.

Procedural Safeguards

Procedural safeguards are the checks and balances that are built into the *Early On* system to help make sure everything goes well for your child and family and protect your family's rights. All parents are provided with Procedural Safeguards for Part C at key points during their involvement with *Early On*. This includes those families who also receive MMSE services. Part B procedural safeguards are NOT applicable for families of children ages birth to age 3 with IFSPs.

Family Involvement

Particularly for infants and toddlers, parents play an essential role in the evaluation, assessment, determination of outcomes, planning, service delivery, and transition for their children throughout their time in *Early On*. Family support and engagement are crucial to achieving the desired child and family outcomes. This requirement is for children eligible under Part C and MMSE.

Natural Environments

Natural environments are defined as settings that are natural or typical for a same-aged infants or toddlers without a disability, including the home or community. Services must be provided in a natural environment for children, birth to age 3, unless services cannot be achieved satisfactorily in a natural environment as determined by the IFSP team including the parent. This requirement is for all services, Part C and MMSE. For any service not provided in a natural environment, a justification must be written on the child's IFSP.

Timelines

Evaluation, initial assessment of the child, initial assessment of the family (with approval), and the initial IFSP meeting must be completed within 45 calendar days of referral for all infants and toddlers and their families (Part C and MMSE). Early intervention services must be initiated within 30 days of the IFSP. Part B timelines do not apply to MMSE services for children age birth to 3 unless the toddler exits Part C and has an Individualized Education Program (IEP) at or after 2 ½ years of age.

Services

Services are provided throughout the full calendar year. This includes any service provided as an MMSE service as well as a Part C only service.

Service Coordination

Service coordination is provided to all families under Part C, including those eligible under MMSE. Service coordination helps families plan and access their services and assures their rights and procedural safeguards.

Transition

Transition planning supports children and families as they exit *Early On* into new programs or settings. Transition plans are developed with families for all toddlers. A transition conference is also provided for children who are potentially eligible for Part B preschool special education. Reasonable efforts must be made to provide transition conferences for children who are not potentially eligible for Part B services as well, in order to discuss appropriate services that they may receive. Transition plans and conferences must take place between ages 2 years 3 months and 2 years 9 months. For any child transitioning to Part B preschool special education, an IEP must be held by the child's third birthday.

Resources

- [Part C of Individuals with Disabilities Education Act \(IDEA\)](https://www.govinfo.gov/content/pkg/FR-2011-09-28/pdf/2011-22783.pdf) (https://www.govinfo.gov/content/pkg/FR-2011-09-28/pdf/2011-22783.pdf)
- [Michigan Part C State Plan](https://www.michigan.gov/documents/mde/Michigan_State_Plan_-_Final_3-2016_518546_7.pdf) (https://www.michigan.gov/documents/mde/Michigan_State_Plan_-_Final_3-2016_518546_7.pdf)
- [Michigan State School Aid Act, Section 54d](https://www.legislature.mi.gov/documents/2017-2018/publicact/pdf/2018-PA-0265.pdf) (https://www.legislature.mi.gov/documents/2017-2018/publicact/pdf/2018-PA-0265.pdf)
- [Michigan School Code - PA 451 of 1976](https://www.legislature.mi.gov/documents/mcl/pdf/mcl-act-451-of-1976.pdf) (https://www.legislature.mi.gov/documents/mcl/pdf/mcl-act-451-of-1976.pdf)
- [Michigan Administrative Rules for Special Education](https://www.michigan.gov/documents/mde/MARSE_Supplemented_with_IDEA_Regs_379598_7.pdf) (https://www.michigan.gov/documents/mde/MARSE_Supplemented_with_IDEA_Regs_379598_7.pdf)
- [Early On Implementation Manual, Eligibility, MMSE Guidance](https://eotta.ccesa.org/Resources.php?id=188&Resources=1) (https://eotta.ccesa.org/Resources.php?id=188&Resources=1)