

10A NCAC 27G .0902 DEFINITIONS

In addition to the definitions contained in G.S. 122C-3 and Rule .0103 of this Subchapter, the following definitions shall also apply:

- (1) "Atypical development" means those from birth to 60 months of age who:
 - (a) have autism;
 - (b) are diagnosed hyperactive;
 - (c) have an attention deficit disorder, severe attachment disorder, or other behavioral disorders; or
 - (d) exhibit evidence of, or are at risk for, atypical patterns of behavior and social-emotional development in one or more of the following areas:
 - (i) delays or abnormalities in achieving emotional milestones;
 - (ii) difficulties with:
 - (A) attachment and interactions with parents, other adults, peers, materials and objects;
 - (B) ability to communicate emotional needs;
 - (C) motor or sensory development;
 - (D) ability to tolerate frustration and control behavior; or
 - (E) ability to inhibit aggression;
 - (iii) fearfulness, withdrawal, or other distress that does not respond to the comforting of caregivers;
 - (iv) indiscriminate sociability; for example, excessive familiarity with relative strangers;
 - (v) self-injurious or other aggressive behavior;
 - (vi) substantiated evidence that raises concern for the child's emotional well-being regarding:
 - (A) physical abuse;
 - (B) sexual abuse; or
 - (C) other environmental circumstances indicating an abused or neglected juvenile as defined in G.S. 7A-517(1) and (21).
- (2) "Developmentally delayed children" means those whose development is delayed in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication, social and emotional; and adaptive skills. The specific level of delay must be:
 - (a) for children from birth to 36 months of age, documented by scores one and one-half standard deviations below the mean on standardized tests in at least one of the above areas of development. Or, it may be documented by a 20 percent delay on assessment instruments that yield scores in months; and
 - (b) for children from 36 to 60 months of age, documented by test performance two standard deviations below the mean on standardized tests in one area of development or by performance that is one standard deviation below the norm in two areas of development. Or, it may be documented by a 25 percent delay in two areas on assessment instruments that yield scores in months.
- (3) "Early Intervention Services" means those services provided for infants and toddlers specified in Section 303.12 of Subpart A of Part 303 of Title 34 of the Code of Federal Regulations, published January 1, 1992 and incorporated by reference.
 - (a) For the purposes of these services, "transportation" means assistance in the travel to and from the multidisciplinary evaluation; specified early intervention services provided by certified developmental day centers or other center-based services designed specifically for children with or at risk for disabilities; and speech, physical or occupational therapy, or other early intervention services if provided in a specialized setting away from the child's residence.
 - (b) Transportation assistance may be provided by staff, existing public or private services, or by the family, who shall be reimbursed for their expenses, in accordance with applicable fee provisions.
 - (c) For the purposes of these services, "special instruction" means individually designed education and training in the strengths and needs of the child and family as identified in the multidisciplinary evaluation, in which the focus is on the major developmental areas

and individual family needs. It occurs in two primary types of settings; home and inclusive center-based:

- (i) The inclusive center-based settings may be those designed primarily for children with or at risk for disabilities, such as developmental day centers or therapeutic preschools, if they allow for planned and ongoing contact with children without disabilities.
 - (ii) Inclusive center-based settings also include those established primarily for children without disabilities, such as preschools, family day care homes, licensed child care centers:
 - (A) when provided in these programs, special instruction also includes consultation and training for staff on curriculum design, teaching and behavior management strategies, and approaches to modification of the environment to promote learning; and
 - (B) service coordination activities, including assistance to the family in identifying such programs must be provided with special instruction, if requested by the family; and
 - (C) all types of early intervention services shall be provided in natural environments to the maximum extent possible. The provision of early intervention services in a setting other than a natural environment shall occur only when early intervention cannot be achieved satisfactorily in a natural environment.
- (4) "Health Services" means those services provided for infants and toddlers specified in Section 303.13 of Subpart A of Part 303 of Title 34 of the Code of Federal Regulations, published June 22, 1989 and incorporated by reference.
- (5) "High risk children" means those from birth to 36 months of age for whom there is clinical evidence of conditions which have a high probability of resulting in developmental delay or atypical development and for whom there is clinical evidence that developmental or therapeutic intervention may be necessary. There are two categories of high risk children. These are:
- (a) High Risk-Established: Diagnosed or documented physical or mental conditions which are known to result in developmental delay or atypical development as the child matures. Such conditions include, but need not be limited to the following:
 - (i) chromosomal anomaly or genetic disorders associated with developmental deficits;
 - (ii) metabolic disorders associated with developmental deficits;
 - (iii) infectious diseases associated with developmental deficits;
 - (iv) neurologic disorders;
 - (v) congenital malformations;
 - (vi) sensory disorders; or
 - (vii) toxic exposure.
 - (b) High Risk-Potential: Documented presence of indicators which are associated with patterns of development and which have a high probability of meeting the criteria for developmental delay or atypical development as the child matures. There shall be documentation of at least three of the parental or family, neonatal, or postneonatal risk conditions. These conditions are as follows:
 - (i) maternal age less than 15 years;
 - (ii) maternal PKU;
 - (iii) mother HIV positive;
 - (iv) maternal use of anticonvulsant, antineoplastic or anticoagulant drugs;
 - (v) parental blindness;
 - (vi) parental substance abuse;
 - (vii) parental mental retardation;
 - (viii) parental mental illness;
 - (ix) difficulty in parent-infant bonding;
 - (x) difficulty in providing basic parenting;
 - (xi) lack of stable housing;
 - (xii) lack of familial and social support;

- (xiii) family history of childhood deafness;
 - (xiv) maternal hepatitis B;
 - (xv) birth weight less than 1500 grams;
 - (xvi) gestational age less than 32 weeks;
 - (xvii) respiratory distress (mechanical ventilator greater than six hours);
 - (xviii) asphyxia;
 - (xix) hypoglycemia (less than 25 mg/dl);
 - (xx) hyperbilirubinemia (greater than 20 mg/dl);
 - (xxi) intracranial hemorrhage;
 - (xxii) neonatal seizures;
 - (xxiii) suspected visual impairment;
 - (xxiv) suspected hearing impairment;
 - (xxv) no well child care by age six months;
 - (xxvi) failure on standard developmental or sensory screening test;
 - (xxvii) significant parental concern;
 - (xxviii) chronic lung disease;
 - (xxix) parent history of suspected abuse or neglect; and
 - (xxx) mothers who are seen by a Maternal Outreach Worker from the local health department.
- (6) "Natural environments" means settings that are natural or normal for the child's age peers who have no disabilities.
- (7) Incorporation by reference in any of the rules in this Section of portions of the Code of Federal Regulations includes subsequent amendments and editions of the referenced material, which may be obtained at no cost from the Branch Head, Child and Adolescent Services, Developmental Disabilities Section, Division of MH/DD/SAS, 325 N. Salisbury Street, Raleigh, NC 27603.

History Note: Authority G.S.122C-3; 143B-147; 150B-1(d); 20 U.S.C. Sections 1401 et. seq., 1471 et. seq.; Eff. May 1, 1996;
Temporary Amendment Eff. May 21, 1999;
Temporary Amendment Expired February 8, 2000;
Codifier determined that findings did not meet criteria for temporary rule on May 22, 2000;
Temporary Amendment Eff. May 30, 2000;
Recodified from 10 NCAC 14V .0802 Eff. January 1, 2001;
Amended Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.