**24:14:01:01.  Definitions.** Terms used in this article mean:

 (1)  "Contractor," a public or private nonprofit agency, organization, institution, Indian tribal organization, or individual, who has been awarded a department contract for the provision of service coordination and early intervention services pursuant to chapters 24:14:08 and 24:14:09;

 (2)  "Days," calendar days unless otherwise indicated;

 (3)  "Department," the Department of Education;

 (4)  "Early Head Start," a community-based program established pursuant to the Head Start Act for low-income families with infants and toddlers and pregnant women to promote healthy prenatal outcomes for pregnant women, to enhance the development of very young children, and to promote healthy family functioning;

 (5)  "Early intervention program," the total effort in the state that is directed at meeting the needs of children eligible under this article and their families;

 (6)  "Early intervention services," the services listed in chapter 24:14:08;

 (7)  "Evaluation," the procedures used by qualified personnel to determine a child's initial and continuing eligibility pursuant to this article, consistent with the criteria of infants and toddlers with disabilities in § 24:14:07:02, including determining the status of the child in each of the developmental areas listed in § 24:14:07:03;

 (8)  "Head Start Act," 42 U.S.C. § 9801 et seq., as amended to November 19, 2014;

 (9)  "Head Start," a program established pursuant to the Head Start Act that promotes the school readiness of children ages birth to five from low-income families by enhancing their cognitive, social, and emotional development in the following domains: language and literacy, cognition and general knowledge, physical development and health, social and emotional development, and approaches to learning;

 (10)  "Homeless children," homeless children and youths, as defined in 11434a of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq. as amended to January 1, 2009;

 (11)  "Individualized family service plan team," the group of individuals described in § 24:14:13:06;

 (12)  "Individualized family service plan," a written plan for providing early intervention services to a child and to the child's family pursuant to chapter 24:14:13;

 (13)  "Individuals with Disabilities Education Act," the Act codified at 20 U.S.C. § 1401 et seq. December 3, 2004, and 34 C.F.R. Part 300 published in the Federal Register on August 14, 2006, December 1, 2008, and February 14, 2013 and as amended on December 10, 2015, and 34 C.F.R. Part 303 published in the Federal Register on September 28, 2011 and as amended on December 19, 2014;

 (14)  "Multidisciplinary," the involvement of two or more separate disciplines or professions as follows:

 (a)  Evaluation and assessments of a child and family pursuant to chapter 24:14:12, may include one individual who is qualified in more than one discipline or profession; and

 (b)  The individualized family service plan team must include the involvement of the parent and two or more individuals from separate disciplines or professions, and one of these individuals must be the service coordinator pursuant to chapter 24:14:13;

 (15)  "Native language,":

 (a)  The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in this subdivision; and

 (b)  For evaluations and assessments conducted pursuant to chapter 24:14:12, the language normally used by the child, if determined developmentally appropriate for the child by qualified personnel conducting the evaluation or assessment;

 (16)  "Natural environment," settings that are natural or typical for a same-aged infant or toddler without a disability, which may include the home or community settings, pursuant to § 24:14:13:04.01;

 (17)  "Nonpublic service provider," a private agency or individual involved in the provision of early intervention services;

 (18)  "Part B," Part B of the Individuals with Disabilities Education Act, which establishes the special education program for children with disabilities aged 3 to 21, inclusive;

 (19)  "Part C," Part C of the Individuals with Disabilities Education Act, which establishes the early intervention program for infants and toddlers with disabilities from birth to age three;

 (20)  "Personally identifiable information," information that includes the following:

 (a)  The name of the child, the child's parent, or other family members;

 (b)  The address of the child or child's family;

 (c)  The child's or parent's social security number, child number, or biometric record or other personal identifier;

 (d)  The child's date of birth, place of birth, and mother's maiden name or other indirect identifiers;

 (e)  Other information that, alone or in combination, is linked or linkable to a specific child and would allow a reasonable person in the early intervention community, who does not have personal knowledge of the relevant circumstances, to identify the child with reasonable certainty; or

 (f)  Information requested by a person who the contractor reasonably believes knows the identity of the child to whom the early intervention record relates;

 (21)  "Public agency," the department or another political subdivision of the state that is responsible for providing early intervention services to children eligible under this article and to their families;

 (22)  "Qualified personnel," persons who have met state-approved or -recognized certification, licensing, registration, or other comparable requirements that apply to the area in which the person provides early intervention services or conducts evaluations or assessments;

 (23)  "Unit," a 15-minute measurement of time; and

 (24)  "Ward of the state," a child who, as determined by the state in which the child resides, is a foster child, a ward of the state, or in the custody of a public child welfare agency. Ward of the state does not include a foster child who has a foster parent who meets the definition of a parent in § 24:14:01:03.

 **Source:** 20 SDR 223, effective July 7, 1994; 26 SDR 153, effective May 22, 2000; 28 SDR 105, effective January 31, 2002; 35 SDR 82, effective October 22, 2008; 39 SDR 109, effective December 17, 2012; 49 SDR 7, effective July 31, 2022.

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