**24:14:07:02.  Children eligible for services.** Infants and toddlers, from birth to 36 months of age, inclusive, are eligible for services under this article if identified by providers of licensed health care and education services as:

(1)  Demonstrating a developmental delay of at least a 1.5 standard deviation below the mean, as measured by appropriate diagnostic instruments and procedures in one or more of the following areas:

(a)  cognitive development;

(b)  physical development, including vision and hearing, fine motor and gross motor;

(c)  communication development, including receptive or expressive;

(d) social or emotional development; or

(e)  adaptive development;

(2)  Born at 28 weeks gestation or less; or

(3)  Having a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

Determinations of a diagnosed physical or mental condition shall be based on medical diagnoses, including Down's syndrome and other chromosomal abnormalities; sensory impairments, including vision and hearing; inborn errors of metabolism; microcephaly; severe attachment disorders, including failure to thrive; seizure disorders; and fetal alcohol syndrome.

**Source:** 20 SDR 223, effective July 7, 1994; 35 SDR 82, effective October 22, 2008; 36 SDR 96, effective December 8, 2009; 49 SDR 7, effective July 31, 2022.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-1-23, 13-14-1, 13-37-1.1.

**Cross-Reference:** Services for children less than three years of age, § 24:05:22:04.