

Hearing Loss as an Established Condition: Eligibility under Developmental Delay in Part C

The purpose of this guidance is to clarify the Part C Developmental Delay eligibility criteria found in Minnesota Rule 3525.1350. It does not change or expand our Developmental Delay criteria, nor is it meant as guidance for eligibility under Deaf and Hard of Hearing (DHH). According to Part C of IDEA, each state's definition of an infant or toddler with a disability must include those diagnosed with physical or mental conditions that have a high probability of resulting in developmental delay or disability. Our criteria includes a child diagnosed with a physical or mental condition or disorder that has a high probability of resulting in developmental delay regardless of whether the child has a demonstrated need or delay. This includes infants and toddlers diagnosed with hearing loss.

Previous guidance did not include the level of infant hearing loss that constitutes a loss with a high probability of resulting in developmental delay. Therefore, districts across the state were applying different definitions. Minnesota's implementation of the national Early Hearing Detection & Intervention (EHDI) initiative managed by the Centers for Disease Control (CDC) identifies the need for greater consistency. We remind programs that eligibility under Deaf and Hard of Hearing should be considered for any child with suspected or documented hearing loss.

This guidance, created in partnership with the Minnesota Department of Health, MDE's Division of Special Education, and the Division of Early Learning Services, creates uniformity and greater equity for infants and toddlers across all school districts in the interpretation of this component of the criteria as applied to very young children with hearing loss referred for evaluation. It is based on recommendations made by the IDEA Infant & Toddler Coordinators Association and the National Center for Hearing Assessment and Management in 2011.

Part C eligibility under Developmental Delay is automatically established for an infant or toddler referred with:

1. Any type/degree of permanent hearing loss in one ear (unilateral) or both ears (bilateral) as confirmed with at least one diagnostic measure by a licensed audiologist. This includes sensorineural and/or neural hearing losses, and/or permanent conductive hearing loss (e.g. as a result of physical/structural conditions such as atresia, microtia, middle ear structural anomalies, or trauma).
2. A presumed non-permanent but persistent conductive hearing loss in one ear (unilateral) or both ears (bilateral) occurring either over three consecutive months or at least three times during a 12 month period as documented by a licensed audiologist.

Additionally, the [Colorado list](#) includes chronic ear infections—defined as three ear infections within six months, or more than four per year—as an established condition when documented by an appropriately licensed medical professional.

Further information regarding eligibility for Part C services in Minnesota can be found in the [Part C Eligibility Determination Flowchart](#) and [Determining Eligibility for Minnesota's IDEA Part C Infant and Toddler Intervention Services for Young Children with Hearing Differences \(July 2019\)](#).

For questions about this document or the definition guidance above, please contact the MDE ECSE Mailbox: mde.ecse@state.mn.us.