



DEPARTMENT OF DEVELOPMENTAL SERVICES

COMMUNITY SERVICES AND SUPPORTS DIVISION PROGRAM ADVISORY

CFSB 11 - 02

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EARLY START, PART C, GENERAL SUPERVISION AND MONITORING CHANGES

INTRODUCTION

The State's Early Start Program must have systems for general supervision, data and fiscal management, improving child and family outcomes, protecting child and family rights, and effectively monitoring the implementation of Part C of the Individuals with Disabilities Education Act (IDEA) by local programs.

BACKGROUND

In November 2010, the federal Office of Special Education Programs (OSEP) reviewed California's Part C program. In February 2011, the Department of Developmental Services (DDS) was notified of state policies that must be changed to comply with IDEA requirements. Program and policy changes, all of which are effective immediately, are described herein.

1) DDS must make a finding of noncompliance and require correction if it finds a regional center has less than 100 percent compliance in any area where 100 percent compliance is federally required. Those "compliance" areas include: Timely services, Individualized Family Service Plan (IFSP) initial meeting within 45 days, transition steps and services in IFSPs, notification of Local Education Agency of children potentially eligible for school programs, transition conference, decisions on complaints within 60 days, and adjudication of due process hearings within 45 days.

Findings will not be issued if the non-compliance is corrected and documented prior to the State's formal issuance of those findings.

2) DDS must review, at least once annually, electronic data for all "compliance" areas. DDS must issue a finding of noncompliance if that data show noncompliance in a local program, unless the noncompliance has been corrected and documented prior to the State's formal issuance of findings.

3) While there may occur delays that result from exceptional family circumstances, formal extensions of the 45-day timeline are not allowed. The initial evaluation and assessment and Individualized Family Service Plan (IFSP) must be completed within 45 days of initial referral to Part C. California Code of Regulations (CCR), Title 17, Section 52086 will be amended accordingly.

PURPOSE

This is to notify regional centers that effective immediately DDS will:

1) Issue findings of noncompliance and require correction at 100 percent in those areas in which 100 percent compliance is federally required. Findings are not necessary if the noncompliance is corrected prior to the State's formal issuance of those findings.

2) Issue findings of noncompliance based on a review, at least annually, of electronic data that reflects noncompliance in a “compliance” area, unless it determines that the regional center had corrected the noncompliance before the finding is issued.

3) Take action to assure that there is no process for granting “extensions” based on exceptional family circumstances or any other reason; and, revise CCR, Title 17, Section 52086, accordingly.

Regional centers should immediately discontinue use of any “extension” form and ensure that evaluations, assessments and IFSP meetings are timely. However, evaluations, assessments and IFSP meetings that do not occur within the required 45 days (due to exceptional family circumstances or systems/administrative reasons) must be fully documented in the case record.

RESOURCES

If you have questions about these changes, please contact the DDS Early Start Section at (916) 654-2773.

