

INITIAL STATEMENT OF REASONS
PROPOSED AMENDMENT OF STATE REGULATIONS
REGARDING THE EARLY START PROGRAM

I. PROBLEM STATEMENT

The Department of Developmental Services (Department) is the lead agency for the Early Start program. This program provides early intervention services to infants and toddlers who have a developmental delay or have a condition that has a high probability of leading to a development delay or disability. Through the Department, the State receives federal funding that supports the early intervention services provided to eligible infants and toddlers and their families. As a condition of receiving this federal funding, the Department must ensure that all State policies align with the requirements of Part C of the federal Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Sec. 1431 et seq.).

Currently, California Code of Regulations (CCR), Title 17, Division 2, Chapter 2 - Early Intervention Services do not fully align with Part C of IDEA and its implementing regulations found in Title 34, Code of Federal Regulations, Part 303. Therefore, the Department is proposing the regulatory amendments described below.

II. BENEFITS

The proposed amendments to CCR Title 17, Division 2, Chapter 2 - Early Intervention Services aligns the state's regulations with Part C of IDEA, which is required for the State to obtain federal funding for early intervention services for eligible infants, toddlers, and their families who are in the Early Start program.

III. PURPOSE OF PROPOSED AMENDMENTS

The proposed amendments summarized below generally are needed to align with federal statute and regulation. In some cases, the amendments make technical changes to spelling or references to other regulatory citations.

§52000 (b). Meaning of Words.

(4): To clarify the meaning of initial assessment within the context of the early intervention services assessment of the child and the family.

(5): To add the definition of "assistive technology device"

(12) To define the meaning of day within these regulations.

(13): To clarify that early intervention services are to be provided under public supervision and that these services are designed to meet the development needs of an infant or a toddler with a disability as defined in California Early Intervention Services Act, Chapter 4, Eligibility §95014 (a)(1) and in §52082 (b)(3) for these regulations. The amendment also specifically identifies sign language and cued language as available services, and updates terminology for speech-language pathology services.

(14): Modifies the definition of evaluation and defines the term “initial evaluation.”

(15): To specify that exceptional circumstances pertain to the families.

(20): Added to define the meaning of “health services.”

(21): To correct a misspelling.

(33): To correct a misspelling.

(36): Added to define “medical services.”

(37): To modify the definition of the multi-disciplinary team.

(39): To define occupational therapy services.

(40) To define physical therapy services.

(41): To correct a reference to a federal provision in 34 CFR.

(42): To correct a reference to a federal provision in 34 CFR.

(46): To clarify the meaning of qualified personnel who provide early intervention services.

(52): To define sign language and cued language services.

(53): To define Speech-Language Pathology services.

(57): To define transportation and related costs.

(58): To define vision services.

§52086. Timelines for Completion of Evaluation and Assessment.

(a) To update wording regarding timelines for initial evaluation for eligibility.

(b): To update wording regarding exceptions to timelines.

(c): To update wording regarding actions required when the assessment has not been completed timely due to “exceptional family circumstances.”

IV. NECESSITY

The proposed amendments are needed to align the State’s regulations with the requirements of Part C of IDEA. This is necessary to maintain the approximately \$54 million the State receives annually to fund early intervention services for eligible infants, toddlers, and their families who are in the Early Start program. Also, these proposed amendments within Title 17, Division 2, sections 52000 and 52086 provide definitions as well as clarity to services available and responsibilities of the service providers for the Early Start program toddlers, infants, and their families. To name a few, the addition of the definition of “Assistive technology device”, “Health services”, “Medical services”,

and “Signed language and cued language services”, will make possible for these devices and services to be readily accessible and available to the Early Start program. infants and toddlers.

V. TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The following research, information, and facts support the proposed amendments and the benefits of the provision of early intervention services:

- Research by the National Center for Birth Defects, Center for Disease Control, U.S. Department of Health and Human Services on Early Intervention, Communication and Language Services:
https://www.cdc.gov/ncbddd/hearingloss/communication_brochure.pdf
- Materials, activities, and research at the National Center for Hearing Assessment and Management at Utah State University. Emphasizing the goal to ensure that all infants and toddlers with hearing loss are identified as early as possible and provided with timely and appropriate audiological, educational, and medical intervention: <http://www.infanthearing.org/>
- The Guide for Planning and Implementing Professional Development In Support of Early Intervention Services, issued and recommended by the California Interagency Coordinating Council on Early Intervention, identifying the six foundational principles of the Individualized Family Service Plan team members: http://www.dds.ca.gov/EarlyStart/docs/ICC_PersonnelManual.pdf
- The research reported in "An Examination of the Validity and Reliability of a Curriculum-Based Assessment Approach Used to Determine Eligibility for Part C Early Intervention Services" published in SAGE Journals, Journal of Early Intervention: [Early Intervention Assessments](#)
- Research and lecture presented at the Department of Brain and Cognitive Sciences at the Massachusetts Institute of Technology about developmental assessments: [Assessment 101 and Evaluation in Early Intervention](#)

VI. ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed amendments do not represent any policy shift in administering the Early Start program for the state. Therefore, the Department forecasts no economic impact and concludes that it is: (1) unlikely that the proposal will eliminate any jobs for the Early Start program service providers, (2) unlikely that the proposal will create an unknown number of jobs for service providers, (3) unlikely that the proposal will create an unknown number of new businesses providing services in the Early Start program, (4)

unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

The proposed amendment will indirectly impact the health and welfare of the infants and toddlers in the Early Start program as the proposed amendments ensure the continuity of the federal grant which sustains these services.

The proposed amendments do not represent any policy shift in administering the Early Start program for the state. Therefore, the Department forecasts no economic impact.

Additionally, the proposed amendments do not impose any new impact on worker safety and the State's environment, as these services have been provided for some years.

VII. EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department finds that proposed changes present no significant adverse economic impact and are unlikely to affect businesses statewide, including small businesses, because the small businesses and vendors that provide services for individuals with disabilities in the state, already provide these services under the definitions specified in provisions of law. These proposed amendments are specific to the Early Intervention Services in the state and will allow small business to provide these services to infants and toddlers in the Early Start program which is governed by the Early Intervention Services regulations.

VIII. REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ACTIVITIES

To maintain federal funding for the Early Start program, the Department is required to demonstrate that State policies align with federal statute and regulation. Since regulations are utilized by the Department to implement statute governing the Early Start program, no other alternatives were considered.

IX. DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS

There is no known conflict with federal regulations.