

NOTICE OF PROPOSED RULEMAKING

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

Early Intervention Services

The Department of Developmental Services (Department) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the contact listed below.

The written comment period closes at 5:00 p.m. on December 5, 2018.

The Department will consider only comments received by the Department by that time.

CONTACT: Sharon DeRego

Monitoring and Family Services Branch
Department of Developmental Services
1600 9th Street, Room 320, MS 3-11
Sacramento, CA 95814
FACSIMILE: (916) 654-1605
EMAIL: Sharon.DeRego@dds.ca.gov

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

Copies of the express terms of the proposed regulation and the Initial Statement of Reasons or other information upon which the rulemaking is based, are available from Ms. DeRego at the contact information listed above. This notice, the Initial Statement of Reasons and the text of the proposed regulations are also available on the Internet at <http://www.dds.ca.gov/ProposedRegs>. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed above once it is prepared.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, California Code of Regulations, Title 17 does not include certain definitions and is in need of clarifying a few definitions for the early intervention services and the

evaluation and assessment of the infants and toddlers whom are referred for determination of eligibility for these services.

The Department proposes to amend California Code of Regulations (CCR), Title 17 to more accurately align with Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.).

The failure to amend Title 17 regulations in conformity with Part C federal rules would negatively affect the Department receiving the full Part C grant for the Early Intervention Services.

Anticipated Benefits

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. 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.

After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the service providers in relation to the early intervention services for infants and toddlers in California. As these are the only regulations dealing with this subject matter for infants and toddlers with developmental disabilities, the Department finds that the proposed regulations are compatible and consistent with existing state statute and regulations.

LOCAL MANDATE STATEMENT

These regulations do not constitute a mandate on local agencies or school districts.

FISCAL IMPACT

The Department has made the following initial assessments:

Cost or savings to any state agency: Cost of less than \$10 million per year.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: None. The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

SMALL BUSINESS IMPACT STATEMENT

The Department has determined that there may be minimal impact on small business as a result of filing of these regulations. These proposed amendments to the regulation does not create a burden on business.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The proposed amendments do not represent any policy shift in administrating 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.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department has determined that there is no reasonable alternative to be considered or

that has otherwise been identified and brought to the attention of the Department that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY AND REFERENCE

Authority: Welfare and Institutions Code sections 4405; and Government Code Section 11152

Reference: Welfare and Institutions Code sections 4631; 4648(a); and 4691

CONTACT PERSON REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATIONS

Contact Person:	Sharon DeRego	(916) 654-1605
Backup:	Azadeh M-Fares	(916) 654-2262