

California Code of Regulations
Title 17, Division 2
Chapter 2 - Early Intervention Services
SubChapter 1 - General Provisions
Article 1 – Definitions

§52000. Meaning of Words.

(a) Words shall have their usual meaning unless the context of a definition clearly indicates a different meaning. Words used in their present tense include the future tense; words in the singular form include the plural form. Use of the word “shall” denotes mandatory conduct; “may” denotes permissive conduct.

(b) The following definitions shall apply to the words used in this subchapter:

(1) Acidemia means an excessive acidity of the blood wherein the acid-base balance of the body is disturbed.

(2) Adaptive development means the acquisition of skills that are required to meet environmental demands. Adaptive development includes, but is not limited to, activities of self-care, such as dressing, eating, toileting, self-direction, environmental problem-solving and attention/arousal.

(3) Asphyxia neonatorum means a condition caused by insufficient oxygen at or near the time of birth.

(4) Assessment means the ongoing procedures used by qualified personnel throughout the period of an infant's or toddler's eligibility for early intervention services to identify the infant's or toddler's unique strengths and needs and the services appropriate to meet those needs. Assessment also includes the identification of the family's resources, priorities, and concerns regarding the development of the infant or toddler and the supports and services necessary to enhance the family's capacity to meet the developmental needs of the eligible infant or toddler. Initial assessment refers to the assessment of the child and the family assessment conducted prior to the child's first individualized family service plan (IFSP) meeting.

(5) Assistive technology device means any item, piece, of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an infant or toddler with a disability. The term does not include a medical device that is surgically implanted, including a cochlear implant, or the optimization (e.g., mapping), maintenance, or replacement of that device.

(6) Authorized representative means the parent or guardian of a minor, or person who is legally entitled to act on behalf of the infant, toddler or family.

(7) Biomedical insult is a general term referring to those biological or medical conditions such as infection or brain injury which may result in developmental delay or disability.

(8) Cognitive development means the acquisition of learning through ongoing interactions with the environment. Cognitive development involves perceiving, thinking, problem solving and remembering information.

(8 9) Communication development means the acquisition of expressive and/or receptive language skills which include understanding and/or using any of the following: gestures, facial expressions, speech reading, sign language, body postures and vocal and visual contacts with another person.

(9 10) Complainant means any individual or organization filing a written complaint pursuant to the provisions of Subchapter 5, Article 3.

(10 11) Concerns means areas that family members identify as needs, issues or problems they want to address as part of the individualized family service plan (IFSP) or the evaluation and assessment process which are related to meeting the developmental needs of the infant or toddler.

(11 12) Day means calendar day unless otherwise stated.

(12 13) Early intervention services means those services provided under public supervision, designed to meet the developmental needs of each eligible infant or toddler and the needs of the family related to the infant's or toddler's development. The services include but are not limited to assistive technology device and service; audiology; family training; counseling and home visits; health services; medical services only for diagnostic or evaluation purposes; nursing services; nutrition services, occupational therapy; physical therapy; psychological services; service coordination; sign language and cued language services; social work services; special instruction; ~~speech and language~~ speech-language pathology services; transportation and related costs; and vision services. Early intervention services may include such services as respite and other family support services. The 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.

(13 14) Evaluation means procedures used by qualified personnel to determine an infant's or toddler's ~~present level of development~~ initial and continuing eligibility. An initial evaluation refers to the child's evaluation to determine his or her initial eligibility for early intervention services. The evaluation applies to infants and toddlers with a disability as specified in § 52020 and § 52022 of these regulations.

(14 15) Exceptional family circumstances means events beyond the control of the regional center or local educational agency (LEA). These include but are not limited to the infant's or toddler's or parent's illness, the infant's or toddler's and parent's absence from the geographical area, inability to locate the parent, or a natural disaster. Delays caused by the failure to obtain copies of existing records or other administrative events do not constitute exceptional circumstances.

(15 16) Family means the primary caregivers and others who assume major long-term roles in an infant's or toddler's daily life.

(16 17) Fine motor means the use of muscles that control small and detailed movements of the body, as an example, in the hand related to manual dexterity and coordination.

(17 18) Funded Capacity means the number of eligible infants, between 12 and 16 students per instructional unit, that the California Department of Education

requires LEAs to serve to maintain funding for their classes/programs/services in a given year pursuant to Education Code section 56728.8 as it read on November 1, 1993.

(48 19) Gross motor means the use of large muscle groups of the body, arms, or legs, as in sitting up, walking, or balancing.

(49 20) Health services mean services necessary to enable an otherwise eligible child to benefit from the other early intervention services in Section 52000 (b)(12) during the time that the child is eligible to receive early intervention services. Such services include clean intermittent catheterization, tracheostomy care, tube feeding, the changing of dressings or colostomy collection bags, and other health services.

This term does not include:

(A) Services that are surgical in nature (such as cleft palate surgery, surgery for club foot, or the shunting of hydrocephalus), purely medical in nature (such as hospitalization for management of congenital heart ailments, or the prescribing of medicine or drugs for any purpose), or related to the implementation, optimization (e.g., mapping), maintenance, or replacement of a medical device that is surgically implanted, including a cochlear implant.

1. Nothing in this section limits the right of an infant or toddler with a disability with a surgically implanted device (e.g., cochlear implant) to receive the early intervention services that are identified in the child's IFSP as being needed to meet the child's developmental outcomes.
2. Nothing in this section prevents the early intervention service provider from routinely checking that either the hearing aid or the external components of a surgically implanted device (e.g., cochlear implant) of an infant or toddler with a disability are functioning properly;

(B) Devices (such as heart monitors, respirators and oxygen, and gastrointestinal feeding tubes and pumps) necessary to control or treat a medical condition; and

(C) Medical-health services (such as immunizations and regular "well-baby" care) that are routinely recommended for all children.

~~(19)~~ (20 21) Health status means a description of the physical and mental condition of an infant or toddler. Health status may include current diagnoses, medications, required regular medical procedures, current medical supplies and technological devices, primary and specially specialty care providers, and immunization status, nutrition and oral health.

~~(20)~~ (21 22) Hearing impairment means a condition, whether permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects an infant's or toddler's development. Processing linguistic information includes speech and language reception and speech and language discrimination.

~~(21)~~ (22 23) Hyperbilirubinemia means a condition in which an excessive amount of bilirubin, a bile pigment released from the breakdown of red blood cells, is in

the blood.

~~(22)~~ ~~(23 24)~~ Hypertonia means a condition of excessive tone or tension in the skeletal muscles.

~~(23)~~ ~~(24 25)~~ Hypotonia means a condition of diminished tone of the skeletal muscles.

~~(24)~~ ~~(25 26)~~ Hypoglycemia means a condition in which the blood sugar is abnormally low.

~~(25)~~ ~~(26 27)~~ Immediate need means a situation in which an infant or toddler requires early intervention services without delay pursuant to a physician's order or written determination by the multidisciplinary team specifying consequences of a delay in the provision of services.

~~(26)~~ ~~(27 28)~~ Individual program plan (IPP) means a plan developed for persons with developmental disabilities to describe the provisions of services and supports to meet the written goals and objectives pursuant to Welfare and Institutions Code sections 4646-4648.

~~(27)~~ ~~(28 29)~~ Individualized education program (IEP) means a written statement that is developed and implemented pursuant to Title 20 United States Code Section 1401(b)(20).

~~(28)~~ ~~(29 30)~~ Individualized family service plan (IFSP) means a written plan for providing early intervention services to infants or toddlers and their families who have been determined eligible for early intervention services. The plan must: (A) Be developed in accordance with Sections 52100 through 52110; and, (B) Be based on the evaluation and assessment processes described in Sections 52082 ~~through~~ through 52086 of these regulations.

~~(29)~~ ~~(30-31)~~ Informed clinical opinion means the judgment of a qualified professional who is a member of the multidisciplinary team. Informed clinical opinion is based on but is not limited to opinions derived from: a review of records, parental and professional observation of the infant or toddler, and professional knowledge.

~~(30)~~ ~~(31 32)~~ Language of the parent's choice means a primary written or oral language or mode of communication that the family chooses as a means of communication. Language of the parent's choice may be the native language. If the parent is deaf or blind or has no written language, the mode of communication shall be that normally used by the parent such as sign language, braille, or oral communication.

~~(31)~~ ~~(32-33)~~ Local educational agency (LEA) means the school district in which the infant or toddler resides or the county office of education or the special education local plan area (SELPA) that is responsible for providing early intervention services to infants and toddlers with disabilities.

~~(32)~~ ~~(33 34)~~ Low incidence disability means a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof.

~~(33)~~ ~~(34-35)~~ Mediation means a voluntary resolution process in which an

impartial third party may assist the disagreeing parties to resolve issues prior to a due process hearing.

(36) Medical services means services provided by a licensed physician for diagnostic or evaluation purposes to determine a child's developmental status and need for early intervention services.

~~(34)~~ (35-37) Multidisciplinary team means two or more individuals of various from separate disciplines or professions, one of whom must be the service coordinator, and the parent, who participate in the provision of integrated and coordinated services, including evaluation, assessment, and IFSP development. The multidisciplinary team may include one individual who is qualified in more than one discipline or profession.

~~(35)~~ (36-38) Natural environments means settings that are natural or typical for the infant or toddler's age peers who have no disability including the home and community settings in which children without disabilities participate.

(39) Occupational therapy means services as defined in CCR, Business and Professions Code, Division 2, Chapter 5.6. Occupational Therapy, § 2570.2 (k).

(40) Physical therapy means services as defined in CCR, CCR, Business and Professions Code, Division 2, Chapter 5.7. Physical Therapy, §2620(a).

~~(36)~~ (37-41) Parent means:

(A) A natural or adoptive parent of a child;

(B) A guardian;

(C) A person acting in place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare);

(D) A surrogate parent who has been assigned in accordance with 34 CFR 303.406 303.422 and 17 CCR 52175 of these regulations; or

(E) A foster parent, when:

1. The foster parent has no interest that would conflict with the interests of the child,

2. The natural parents' authority to make the decisions required of parents has been limited or relinquished under State law, and

3. The foster parent is willing to make the decisions required of parents.

~~(37)~~ (38-42) Payor of last resort means the regional center or LEA that is required to pay for early intervention services listed on the IFSP when third party payers or other agencies do not have an obligation to pay as required by 34 CFR 303.527 303.510.

~~(38)~~ (39-43) Personally identifiable means information that includes:

(A) The full name of the infant or toddler, infant's or toddler's parent, or other family member;

(B) The address of the infant or toddler;

(C) A personal identifier, such as the infant's, toddler's or parent's social security number; or

(D) A list of personal characteristics or other information that would make it possible to identify the infant or toddler with reasonable certainty.

~~(39)~~ (40-44) Physical development means the acquisition of fine and gross motor

skills involved in functional movement. Physical development includes vision, hearing and health status.

~~(40)~~ (41 45) Priorities means a family's choice for the focus of early intervention services as well as for the ways in which early intervention services will be incorporated into the family's day-to-day organization, routine and planning.

~~(41)~~ (42 46) Qualified means that a person meets state certification, licensing, credentialing, registration, or other comparable requirements for the area in which he or she is providing early intervention services, or, in the absence of such approved or recognized requirements, meets the Department of Developmental Services or California Department of Education requirements. Qualified personnel who provide early intervention services include specifically include but are not limited to those listed in Subchapter 2. Vendorization, Article 3, those listed in Section §54342 of these regulations, and ophthalmologists; optometrists; orientation specialists; pediatricians; psychologists; special educators; and speech and language pathologists.

~~(42)~~ (43 47) Record means the documentation in the infant's or toddler's regional center client file and/or the LEA's cumulative file.

~~(43)~~ (44 48) Regional center means a diagnostic, counseling and service coordination center for persons with developmental disabilities and their families which is established and operated pursuant to Chapter 5 of Division 4.5 of the Welfare and Institutions Code, Sections 4620 through 4669, by a private nonprofit community agency/corporation acting as a contractor for the Department of Developmental Services.

~~(44)~~ (45 49) Referral means the receipt of oral or written information that causes a record to be opened for an infant or toddler who may be eligible for early intervention services.

~~(45)~~ (46 50) Resources means the strengths, abilities, formal and informal supports of the family available to meet the developmental needs of the infant or toddler.

~~(46)~~ (47-51) Severe orthopedic impairment means a condition which adversely affects an infant's or toddler's development. Such orthopedic impairments include impairments caused by congenital anomaly, impairments caused by disease and impairments from other causes which may affect functional movement and/or growth.

(52) Sign language and cued language services include teaching sign language, cued language, and auditory/oral language, providing oral transliteration services (such as amplification), and providing sign and cued language interpretation.

(53) Speech-language pathology services include identification of children with communication or language disorders and delays in development of communication skills as defined in CCR, Title 16, Division 13.4, Article 1, §1399.150.2(b), referral for medical or other professional services necessary for the habilitation or rehabilitation of children with communication or language disorders and delays in development of communication skills; and provision of services for the habilitation, rehabilitation, or prevention of communication or language disorders and delays in development of communication skills. The requirements for classification of vendors providing such services are as defined

in §54342 (a)(31), (38), and (75).

(47) ~~(48 53)~~ Social or emotional development means the acquisition of capacities for human relationships, emotional expression, communication and learning. Social or emotional development is based on the motivation to engage in positive interaction and to sustain personal relationships and precedes the development of effective coping skills, self esteem and the ability to take advantage of opportunities for learning. Differences in temperament, self regulation, range and intensity of affect and modulating one's response to the environment are additional factors influencing social or emotional development.

(48) ~~(49 54)~~ Solely low incidence disability means one or a combination of low incidence disabilities which are vision impairment, severe orthopedic impairment, and hearing impairment which is the primary disability and has a significant impact on learning and development of the infant or toddler as determined by the IFSP team of the LEA. The infant or toddler who has a solely low incidence disability shall not be eligible for services from a regional center.

(49) ~~(50 55)~~ Teratogen means an agent or factor that causes the production of physical defects in the developing embryo.

(56) Transportation and related costs include the cost of travel and other costs that are necessary to enable an infant or toddler with a disability and the child's family to receive early intervention services.

(50) ~~(51 57)~~ Vision impairment means a visual condition which, even with correction, adversely affects the infant's or toddler's development.

(58) Vision services mean evaluation and assessment of visual functioning, referral for medical or other professional services necessary for the habilitation or rehabilitation of visual functioning disorders, or both; and communication skills training, orientation and mobility training for all environments, visual training, and additional training necessary to activate visual motor abilities.

Note: Authority cited: Sections 95009 and 95028, Government Code.
Reference: Sections 95014 and 95028, Government Code; Section 2570.2, Chapter 5.6 and Section 2620, Chapter 5.7, Business and Professional Code; Sections 3001(y) and 3030, Title 5 California Code of Regulations ; Sections 1432, 1436 and 1440, Title 20 United States Code; Sections 303.9, 303.13, 303.12, 303.16, 303.17, 303.18, 303.19, 303.20, 303.21, 303.23, 202.24, 303.25, 303.26, 303.27, 303.29, 303.31, 303.302, 303.321, 303.322, 303.340, 303.342, 303.343, 303.344, 303.345, 303.401, 303.402, 303.403, 303.406, 303.420, 303.422, 303.430, 303.432 303.514 and 303.510 303.527 Title 34 Code of Federal Regulations.