

NOTICE OF PROPOSED RULEMAKING

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

Early Intervention Services

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

WRITTEN COMMENT PERIOD

The public comment period for this regulatory action will begin on **October 30, 2020**. For any written comment to be considered, it must be received by the Department no later than **December 14, 2020**, the close of the 45-Day comment period. To be considered, any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory in one of the following ways:

By email to: RegulationsMailing@dds.ca.gov

The Department requests that all comments particularly those emailed with attachments contain the regulation package identifier "**Early Intervention Amendments**" in the subject line to facilitate timely identification and review.

By mail to:

The Department of Developmental Services
Legislation, Regulations and Public Affairs

RE: Early Intervention Amendments

1600 9th Street

Sacramento, CA 95814

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 (**November 30, 2020**).

Copies of the express terms of the proposed regulation and the Initial Statement of Reasons, or other information upon which rulemaking is based, are available from Ms. DeRego at the contact information listed on the last page of this notice. 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/transparency/laws-regulations/emergency-and-proposed-regulations/>.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed above once it is prepared.

If a request for public hearing is received, the hearing will be conducted in accordance with the Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed amendment summarized below is required by federal law to align with federal statute and regulation.

Currently, Section 52000, Title 17, CCR provides definitions for early intervention services and the evaluation and assessment of the infants and toddlers whom are referred for determination of eligibility for these services. However, to align with federal statute, State regulation must also contain a definition for “assistive technology service” to allow for these services.

The Department proposes to amend Section 52000, Title 17, CCR by adding the definition of “assistive technology service” 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, which adds the definition of “assistive technology service,” completes a prior set of definitions that was added to CCR, Title 17 on October 1, 2019. The proposed amendment will indirectly impact the health and welfare of the infants and toddlers in the Early Start program as the proposed amendment ensures the continuity of the federal grant which sustains these services. Also, the proposed amendment within Title 17, Division 2, section 52000 provides a definition to services available and responsibilities of the service providers for the Early Start program toddlers, infants, and their families.

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

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 is unlikely to be an impact on small business as a result of filing of these regulations. The proposed amendment to the regulation does not create a burden on businesses.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The proposed amendment does 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 amendment ensures 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 must determine that no reasonable alternative it 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 section 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) 654-2773
Backup:	Emily Woolford	(916) 654-2773

AVAILABILITY OF CHANGED OR MODIFIED TEXT

If the Department makes modifications which are sufficiently related to the originally proposed text, with the exception of grammatical changes, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Department adopts the regulation as revised. Please send requests for copies of any modified regulation to the attention of the contact persons indicated above. The Department will accept written comments on the modified regulation for 15 days after the date on which it is made available.