

DEPARTMENT OF DEVELOPMENTAL SERVICES

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January 3, 2023

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: INDIVIDUALS WITH DISABILITIES EDUCATION ACT PART C – EARLY START AND IMPLEMENTATION ON INDIVIDUALIZED BASIS

The Department of Developmental Services (Department), the State's lead agency in implementing Part C of the Individuals with Disabilities Education Act (IDEA), and the California Department of Education (CDE) issue this correspondence to jointly address and remind all identified providers of early intervention services in the State of required elements of individualization that are critical and integral to the IDEA Part C process.

The Early Start program is a very large and complex service delivery system that is a collaborative partnership between the Department and CDE, and local educational agencies (LEAs) and regional centers. Recently, the Department has received concerns from families receiving early intervention services that are delivered in a manner that may be inconsistent with IDEA requirements. Regional centers and LEAs that coordinate the delivery of Early Start services are encouraged to review the following federal requirements and their current practices. Regional centers and LEAs should immediately discontinue any policy or practice that is non-compliant with these requirements and ensure that Part C is implemented on an individualized basis.

IDEA Part C Requirements

Child Find System and Referrals

IDEA Part C regulations require that each State must have a statewide comprehensive, coordinated, multidisciplinary interagency system to provide early intervention services for infants and toddlers with disabilities and their families. The system should include standards for appropriate identification, timelines, and coordination with primary referral sources, including the Early Hearing Detection and Intervention program.

[\[34 Code of Federal Regulation \(CFR\), Section 303.302 – Comprehensive child find system\]](#)

Native Language

IDEA Part C defines native language as the language normally used by that individual, or in the case of a child, the language normally used by the parents of the child. For evaluations and assessments, if determined developmentally appropriate, the language normally used by the child. Native language is further defined for an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written

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language, as the mode of communication that is normally used by the individual (such as sign language, braille, or oral communication).

[\[34 CFR, Section 303.25](#) – *Native language*]

Evaluation of the Child and the Assessment of the Child and Family

IDEA Part C regulations state that the evaluation of the child and the assessment of the child and family must be conducted in the native language (unless clearly not feasible to do so) of the child and family members and follow the requirements in the link below.

[\[34 CFR, Section 303.321](#) – *Evaluation of the child and assessment of the child and family, including the requirement for native language*]

Individualized Family Service Plan (IFSP) Procedures and the Provision of Service

IDEA Part C regulations require specific procedures to develop the IFSP, including the composition of the IFSP team (which includes the parent) and the identification of the specific early intervention services that are necessary to meet the unique needs of the child and the family to achieve the results of outcomes identified in the IFSP.

[\[34 CFR, Section 303.342](#) – *Procedures for IFSP development, review, and evaluation*]

[\[34 CFR, Section 303.343](#) – *IFSP Team meeting and periodic review*]

[\[34 CFR, Section 303.344](#) – *Content of an IFSP*]

If there are any questions regarding this correspondence, please e-mail earlystart@dds.ca.gov or specedinfo@share@cde.ca.gov or by phone at 916-445-4613.

Sincerely,

Original Signed by:

BRIAN WINFIELD
Chief Deputy Director

cc: Regional Center Administrators
Regional Center Directors of Consumer Services
Regional Center Community Services Directors
Association of Regional Center Agencies
Erin Paulsen Brady, Department of Developmental Services
Ernie Cruz, Department of Developmental Services