

FINAL STATEMENT OF REASONS

Description of the Public Problem, Administrative Requirement or Other Condition or Circumstance the Regulations are Intended to Address

The Department of Developmental Services (DDS) proposes to revise regulations pertinent to the Early Start early intervention programs for infants and toddlers with or at risk of developmental delay. The proposed changes conform to amendments to Title 34 Code of Federal Regulations, Part 303 (34 CFR Part 303), implementing Part C of the Individuals with Disabilities Education Act, which went into effect in 1997 and 1999.

As part of California's grant application for funds under Part C of IDEA, the Department of Developmental Services, as the part C lead agency, is required to make revisions to the Early Start regulations, consistent with 34 CFR Part 303.

In addition to changes mandatory to assure federal funding, other technical, nonsubstantive revisions are proposed to clarify the intent of certain Early Start regulations.

Prior to development of the proposed amendments, the Department conducted two public meetings on the proposed changes and received either oral or written information from Protection and Advocacy, Incorporated, parents and advocates, 22 Special Education Local Planning Areas (SELPA) and the Department of Social Services. In addition, the proposed regulations changes were developed conjointly with the California Department of Education, as required by Government Code Section 95028.

The comment and responses filed in Tabs J and M of the Rulemaking File are incorporated herein as if fully set forth below.

The Department has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation.

There were no alternatives proposed by any parties during the public comment period other than the comment responded to in Tabs J and M of the Rulemaking File. The Department considered the alternative of not adopting regulations, and rejected that alternative as it did not provide the safeguards and assurances to the consumer's health and well being that the Department is seeking.

The Department has determined that the adopted regulations do not impose any mandate on local agencies or school districts.

PURPOSE AND NECESSITY

52000. Meaning of Words.

52000(b)(36)(A)-(E)

Specific Purpose:

DDS proposes to amend this definition to be consistent with federal regulation. Subsections (A) through (E) added to assure clarity and match federal language.

Rationale for Necessity:

As part of California's grant application for funds under Part C of IDEA, DDS, as the part C lead agency, is required to make revisions to the Early Start regulations, consistent with applicable federal regulations.

52082. Procedures for Evaluation and Assessment to Determine Eligibility

52082.

Specific Purpose:

DDS proposes to revise this regulation in order to clarify its intent.

Rationale for Necessity:

The text of this section applies to procedures for evaluation only. To include the deleted word in the title of this subsection is misleading and confusing to the reader.

52082(b).

Specific Purpose:

DDS proposes to revise this regulation in order to clarify its intent.

Rationale for Necessity:

The text of this subsection applies to procedures for evaluation only. The proposed revision clarifies its intent.

52082(i)

Specific Purpose:

DDS proposes to add this subsection to clarify the intent.

Rationale for Necessity:

The information added by this subsection was previously included as part of 52084(e), which is a discussion of assessments, not evaluations.

52084. Assessment for Service Planning

52084(e)

Specific Purpose:

DDS proposes to revise this regulation in order to clarify its intent.

Rationale for Necessity:

The information deleted in this subsection applies to evaluations for eligibility only and has been moved to 52082(i). The remaining text applies only to assessment for service planning.

52109. Basis for the Provision of Services Through Regional Centers

52109(b)

Specific Purpose:

DDS proposes this revision to clarify that public agencies may be a responsible payer for early intervention services but that a family's private insurer is not a responsible payer for Early Start services.

Rationale for Necessity:

The proposed revision is necessary to assure compliance with federal regulations.

52109(c)

Specific Purpose:

DDS proposes this amendment to be consistent with federal regulation, and ensure that the use of a family's private insurance is voluntary to guarantee that early intervention services, including evaluations and assessments, are provided at no cost to families.

Rationale for Necessity:

The proposed amendment is necessary in order to assure compliance with the intent of federal regulations. As part of California's grant application for funds under Part C of IDEA, DDS, as the part C lead agency, is required to make revisions to the Early Start regulations, consistent with federal regulations.

52170. Complaint Procedures

52170(c).

Specific Purpose:

DDS proposes this amendment to be consistent with federal regulation.

Rationale for Necessity:

As part of California's grant application for funds under Part C of IDEA, DDS, as the part C lead agency, is required to make revisions to the Early Start regulations, consistent with applicable federal regulations.

52170(c)(d)(e)(f)(g).

Specific Purpose:

DDS proposes renumbering these subsections.

Rationale for Necessity:

Other proposed amendments to this section necessitate renumbering.

52170(e)

Specific Purpose:

This revision is proposed to correct a title and an address.

Rationale for Necessity:

The title and address of the position involved has changed.

52171. Complaint Investigation

52171(a)(4).

Specific Purpose:

DDS proposes this amendment to be consistent with changes in federal regulations.

Rational for Necessity:

As part of California's grant application for funds under Part C of IDEA, DDS, as the Part C lead agency, is required to make revisions to the Early Start regulations, consistent with applicable federal regulations.

52171(a)(4)

Specific Purpose:

DDS proposes this deletion to be consistent with changes in federal regulations.

Rationale for Necessity:

As part of California's grant application for funds under Part C of IDEA, DDS, as the Part C lead agency, is required to make revisions to the Early Start regulations, consistent with applicable federal regulations.

52171(c)(d)(e)

Specific Purpose:

DDS proposes these technical amendments to clarify the complaint process.

Rationale for Necessity:

Federal law mandates DDS to develop and implement an Early Start complaint process. The proposed amendments provide needed clarity in areas that are frequently misunderstood.

52173. Mediation Procedures

52173(j).

Specific Purpose:

DDS proposes these amendments to be consistent with changes in federal regulations.

Rationale for Necessity:

As part of California's grant application for funds under Part C of IDEA, DDS, as the Part C lead agency, is required to make revisions to the Early Start regulations, consistent with applicable federal regulations.

52175. Surrogate Parents

52175(b)(5).

Specific Purpose:

DDS proposes these amendments to be consistent with changes in federal law.

Rationale for Necessity:

As part of California's grant application for funds under Part C of IDEA, DDS, as the Part C lead agency, is required to make revisions to the Early Start regulations, consistent with applicable federal regulations.

Authority and Reference:

Authority: Sections 95009 and 95028, Government Code. Reference: Sections 95014 and 95028, Government Code. Sections 303.12(b), 303.19, 303.416(d)(i), 303.510, 303.512(c)(1-2), 303.520, 303.521, 303.527(c), Title 34 Code of Federal Regulations.