

# PARENTS' RIGHTS

## An Early Start Guide for Families

Revised 2025



## PUBLISHING INFORMATION

Parents' Rights: An Early Start Guide for Families was developed by the California Department of Developmental Services (referred to as 'the Department') with help from the California Department of Education and WestEd, a contracting company.

You can copy or share any part of this guide as long as you mention that it came from the Department of Developmental Services.

## ORDERING INFORMATION

If you need more copies, go to the Early Start Neighborhood website at [earlystartneighborhood.org](http://earlystartneighborhood.org).

If you want to learn more about California Early Start you can:

- Call: 800-515-BABY (800-515-2229),
- Visit the website at [www.dds.ca.gov/services/early-start](http://www.dds.ca.gov/services/early-start)
- Send an e-mail to [earlystart@dds.ca.gov](mailto:earlystart@dds.ca.gov)

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# TABLE OF CONTENTS

PUBLISHING INFORMATION.....	1
ORDERING INFORMATION.....	1
REFERENCES .....	3
NAMES .....	3
<b>SECTION 1: INTRODUCTION .....</b>	<b>4</b>
<b>SECTION 2: INFORMED CONSENT .....</b>	<b>5</b>
<b>SECTION 3: CONFIDENTIALITY &amp; ACCESS TO RECORDS.....</b>	<b>6</b>
<b>SECTION 4: EVALUATION &amp; ASSESSMENT .....</b>	<b>7</b>
<b>SECTION 5: INDIVIDUALIZED FAMILY SERVICE PLAN .....</b>	<b>9</b>
<b>SECTION 6: MEDIATION CONFERENCES, DUE PROCESS HEARINGS, AND STATE COMPLAINTS .....</b>	<b>11</b>
<b>SECTION 7: MEDIATION CONFERENCES .....</b>	<b>12</b>
<b>SECTION 8: DUE PROCESS HEARINGS.....</b>	<b>13</b>
<b>SECTION 9: STATE COMPLAINTS.....</b>	<b>15</b>
<b>SECTION 10: CONCLUSION.....</b>	<b>17</b>



## REFERENCES

This document will refer to the following parts of laws and regulations:

- 34 CFR refers to Title 34 of the Code of Federal Regulations.
- GC refers to Government Code for the state law governing Early Start.
- CCR refers to California Code of Regulations.

## NAMES

Some names will appear many times in this document and are shortened for easier reading:

- Department of Developmental Services – DDS – we will call it 'the Department' in this document.
- California Department of Education – CDE
- Local Educational Agency – LEA
  - These are the local schools, districts, County Offices of Education
- Special Education Local Plan Area – SELPA
- Early Start program – The regional center and/or the local educational agency (LEA) that provides early intervention services.

If you have questions about your rights as a parent in the Early Start program, you can call your local Early Start program or the Early Start Baby Line at 800-515-2229 or send an email to [earlystart@dds.ca.gov](mailto:earlystart@dds.ca.gov).

# SECTION 1: INTRODUCTION

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**Early Start** is a program in California that helps children (birth to 3 years old) with disabilities and their families. This program helps your child grow and develop by providing services in your home or community and by showing your family how to support your child's development. The program follows federal and state laws to make sure your child gets the right help. As a parent, you have special rights and protections to make sure your child gets the help they need. The program listens to your family's concerns and gives the services that work for your whole family. This document explains your rights and protections within this program. "Parent" will mean different things for you, depending on your unique situation.

## **Who is considered a "Parent" in Early Start?** [34 CFR 303.27]

1. **Biological or adoptive parent** of your child.
2. **Foster parent**
3. **Guardian:** A person who has legal permission from the court to take care of your child and make important decisions about their health, education, and development.
4. **A person acting in place of a biological or adoptive parent:** This could be a grandparent, stepparent, or other family member who your child lives with or takes care of your child's needs.
5. **Surrogate parent:** This person is assigned through a legal process to make decisions for the child when a parent isn't available. This person must understand children's needs and have no personal reasons to favor one side over the other. [34 CFR 303.422; 17 CCR Section 52175]

## SECTION 2: INFORMED CONSENT

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You must give permission and sign a document before your child gets any testing or services from Early Start. The program must also have your permission to share information about you or your child. Giving your permission is your choice, and you may change your mind at any time. This is called Informed Consent. [34 CFR 303.7, 34 CFR 303.420]

If there are multiple people in your life who may be considered a “parent”, please work with your child’s service coordinator to decide who needs to give consent.

As a parent, you have these rights regarding informed consent:

1. Get information of the activity in the language you use at home when the Early Start program asks for your permission for that activity. [34 CFR 303.7]
2. Get your written permission before sharing any information that identifies you or your child with people who aren’t supposed to have it. [34 CFR 303.414, 17 CCR 52162(B), 17 CCR 52169]
3. Get your written permission before any tests are done to see what help your child needs. [34 CFR 303.420(a), 17 CCR 52162(a)]
4. Get your written permission before starting any Early Start services for your child. [34 CFR 303.420(a), 17 CCR 52162(a)]
5. Get your written permission before Early Start uses your medical insurance to pay for services, if this could lower your benefits, make you pay more money, raise your monthly payments, or make you lose your benefits or Medicaid waiver eligibility. [17 CCR 52162(d)]
6. Change your mind and say no at any time. [34 CFR 303.7(c)] If you do this, the Early Start program will explain what services your child would miss and remind you that they need your written permission to help your child. [34 CFR 303.420(b), 17 CCR 52162(c)] If you withdraw your permission, it only affects future actions and not any actions or services already received.

## SECTION 3: CONFIDENTIALITY & ACCESS TO RECORDS

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Early Start records are an important source of information about your child. Everything you tell them about your child and family is private and protected. Only people who are directly helping your child can see this information.

As a parent, you have the right to:

1. Get the information about how they keep your child's and family's information private and safe. [34 CFR 303.404]
2. See your child's records and ask for copies. You can also let someone look at your child's records. You may also ask to fix or remove any information about your child in the record. [34 CFR 303.405]
3. Get copies of your child's records or get an explanation that you requested within five working days of making the request. [17 CCR 52164(b)]
4. Ask to meet with the director of the Early Start program if the program says no to changing or removing something from your child's records that you asked for. [17 CCR 52168(c)]
5. Have your child's personal information kept private and secure. The Early Start program must inform you how they collect, store, share, and destroy the personal records following the Family Education Rights and Privacy Act (FERPA). [34 CFR 303.29, 34 CFR 303.420, 17 CCR 52160(a), 17 CCR 52162, 17 CCR 52165, 17 CCR 52169]

## SECTION 4: EVALUATION & ASSESSMENT

To see if your child can get help from the Early Start program in California, a team of trained specialists will meet, get to know, and test your child for their current skills. This team may include a Speech Language Pathologist (SLP), Occupational Therapist (OT), Physical Therapist (PT) or other professionals. There are rules to make sure families know their rights during testing.

As a parent, you have the right to:

1. Know all your rights in Early Start. [34 CFR 303.421, GC 95020(c), 17 CCR 52161]
2. Ask for your child to be tested for Early Start. You can share information during the evaluation process. You have the right to make decisions and give permission for your child's Early Start services. [34 CFR 303.7, 34 CFR 303.420, 17 CCR 52040(d), 17 CCR 52082(b), 17 CCR 52084]
3. Give written permission before any testing is done. You can also say no to testing. [34 CFR 303.420, 17 CCR 52162]
4. Take part in all testing while your child is in Early Start. [34 CFR 303.321, GC 95020, 17 CCR 52082, 17 CCR 52084]
5. Get a complete written copy of all the test results within 45 days after your child is referred to Early Start. [34 CFR 303.310, 17 CCR 52086(a)]
6. Take part in meetings to discuss the test results. [GC 95020(b)]
7. Take part in all decisions about whether your child qualifies and what services they receive. [34 CFR 303.343, GC 95014(a), GC 95020(b), 17 CCR 52082(a), 17 CCR 52104)]

Federal and State Law also require the following:

1. Tests are done in the language that you use with your child at home, when possible. [34 CFR 303.321(a)(6)]
2. Testing procedures and materials must not be unfair to your child because of their race or ethnicity. [34 CFR 303.321(a)(4), 17 CCR 52082(g)]
3. Your family's needs, priorities, and concerns are discussed in the language you use at home when possible. [17 CCR 52084(d)(4)]
4. Test materials must be used the way they were designed to be used. [17 CCR 52082]
5. Tests are conducted by people who are qualified to do them. [34 CFR 303.321, 17 CCR 52082, 17 CCR 52084]



6. For children with known vision, hearing, orthopedic, or communication problems tests are chosen with these conditions in mind to measure the child's abilities and development and not their difficulties. [17 CCR 52082]
7. Testing will be done in all these areas [GC 95014, 17 CCR 52022]:
  - a. Cognitive development – how your child thinks, learns, and solves problems.
  - b. Physical development – how your child uses their body, including arms, legs, hands, vision, hearing, and health.
  - c. Receptive communication development – how your child understands what others say to them.
  - d. Expressive communication development – how your child talks with others to share their needs and thoughts; this includes sign language and other ways of communicating.
  - e. Adaptive development – how your child takes care of basic needs like eating and dressing, and,
  - f. Social and emotional development – how your child interacts with others and shows their feelings.
8. Your child will be tested regularly while in Early Start to see how they're growing and developing. [GC 95014, 17 CCR 52082, 17 CCR 52084]
9. Testing should be done in places where babies and toddlers normally spend time, like home, daycare, parks, libraries, or in other places where your child feels comfortable when possible. [17 CCR 52082(i), 17 CCR 52084(e)]
10. Important records about your child's health and medical history will be reviewed. [34 CFR 303.321, 17 CCR 52082]
11. Your child's existing records can be used to decide if they qualify for services without more testing. [34 CFR 303.321]
12. Trained professionals will use their expert knowledge when testing your child to decide if your child qualifies for Early Start services. Their professional opinion can be used alone to decide if your child qualifies. [34 CFR 303.321]
13. Your child's eligibility for Early Start services won't be based on just one test. A team will look at several pieces of information together to make the decision together. [34 CFR 303.321, 17 CCR 52082]
14. You can choose to participate in interviews to discuss your family's resources, priorities, and concerns about your child's development and your family's needs. [34 CFR 303.321, 17 CCR 52084, 17 CCR 52106]

## SECTION 5: INDIVIDUALIZED FAMILY SERVICE PLAN

An Individualized Family Service Plan (IFSP) is a written plan that explains options for early intervention services for your child and family based on the test results. If your child is tested for the first time in Early Start, a meeting must happen within 45 days of the referral to share the test results and decide if your child qualifies. If they qualify, the team will develop your child's first IFSP. You might get the test results before the first meeting so you can review them ahead of the meeting. [34 CFR 303.20, 34 CFR 303.342, GC 95020(b), 17 CCR 52100, 17 CCR 52102]

Your child's IFSP must be reviewed at least every six months [17 CCR 52102] or sooner if you ask, or if situations change. Once every year the IFSP should be revised with updated testing to see how your child is growing and make any changes if needed. [34 CFR 303.342] You may also request to have meetings remotely (by phone or video), but the Early Start program must meet with you and your child in person at least once every 6 months. This in-person requirement should not be used as an excuse to delay any services. [GC 95020(c)(2)(A)]

For IFSP meetings, as a parent, you have the right to:

1. Have the IFSP meeting at a time and place that works for you, and in the language you use at home. [34 CFR 303.342, 17 CCR 52102]
2. Get a written notice before the IFSP meetings. [34 CFR 303.342, 17 CCR 52102]
3. Attend and take part in the IFSP meetings. [34 CFR 303.343, 17 CCR 52104]
4. Invite other family members to the IFSP meetings. [34 CFR 303.343, 17 CCR 52104]
5. Invite an advocate or other people to attend and take part in the IFSP meetings. [34 CFR 303.343, 17 CCR 52104]
6. Receive a complete copy of the IFSP in the language you use at home [34 CFR 303.25] at no cost to you. [34 CFR 303.409, 17 CCR 52102]

For the IFSP document, as a parent, you have the right to:

7. Have everything in the IFSP fully explained to you in the language you use at home. [34 CFR 303.342, 34 CFR 303.404, 17 CCR 52102]
8. Give permission for the services listed on the IFSP. If you don't give permission for a service, it won't be provided. You can change your mind and say no to a service even after you've already agreed to it, or your child has started receiving it. This won't affect your child's other services. [34 CFR 303.342, 34 CFR 303.420, 17 CCR 52102]

9. Have services provided in the natural environment (like home or daycare) or get an explanation of why that is not possible. [34 CFR 303.13, 34 CFR 303.344, 17 CCR 52106]
10. Share information about your child with other agencies. [34 CFR 303.401, 17 CCR 52112, 17 CCR 52169]
11. Be informed in writing before any agency or service provider wants to change any part of your child's Early Start services. [34 CFR 303.421, 17 CCR 52161]
  - a. The notice must include:
    - i. What they plan to do or change,
    - ii. Why they plan to do it, and,
    - iii. What you can do if you disagree with their plan (called "procedural safeguards").
  - b. The notice must be written in the language you use at home. You may also ask for it in another form of communication, if possible. [34 CFR 303.401 to 303.421, 17 CCR 52161]

## SECTION 6: MEDIATION CONFERENCES, DUE PROCESS HEARINGS, AND STATE COMPLAINTS

In Early Start, you as the parent have rights and protections to make sure your child gets the help they need and your family's concerns are addressed. [34 CFR 303.436, 17 CCR 52173, 17 CCR 52174]

When you do not agree with the Early Start program, you have several options to resolve the disagreement, and you have certain rights. The following procedures apply for children under three years old.

As a parent, you have the right to:

1. Ask for a mediation meeting or a due process hearing any time you disagree with the Early Start program about any part of your child's Early Start services. [34 CFR 303.430, 34 CFR 303.431, 17 CCR 52172]
2. Be informed of your right to file a complaint or ask for mediation or a due process hearing. [34 CFR 303.432, 17 CCR 52172]
3. File a complaint if you think Early Start has broken any rules or laws about your child's eligibility or services. [34 CFR 303.434, 17 CCR 52170]
4. Ask for a mediation meeting at any time if you disagree with your child's Early Start services. You can ask for a mediation meeting even before filing complaints, or even while other processes are happening. [34 CFR 303.431, 17 CCR 52173]
5. File a complaint if the due process hearing decision isn't being followed. [34 CFR 303.433(c)(3), 17 CCR 52170(b)]

## SECTION 7: MEDIATION CONFERENCES

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Mediation is a voluntary, informal, and confidential process where a neutral person called a mediator helps you and the Early Start program settle disagreements. [34 CFR 303.431, 17 CCR 52173]

As a parent, you have the right to:

1. Ask for mediation as the first option for resolving a dispute or at any time during the due process hearing or complaint process. [34 CFR 303.431, 17 CCR 52173]
2. Say no to mediation if you don't want to take part. [34 CFR 303.431, 17 CCR 52173]
3. Have a qualified and neutral mediator who doesn't take sides. [34 CFR 303.431, 17 CCR 52173(c)]
4. Have the mediation meeting at a time and place that works for you. [34 CFR 303.431, 17 CCR 52173]
5. Bring another person or advocate with you to the meeting. [17 CCR 52173(h)]
6. Keep mediation discussions private and know that they can't be used against you in court or hearings later. [17 CCR 52173(j)]
7. Receive a written document describing the agreements made during the mediation meetings. [34 CFR 303.431, 17 CCR 52173(i)]

Requests for mediation are filed with the:

Office of Administrative Hearings  
Attention: Early Start Intervention Section  
2349 Gateway Oaks Drive, Suite 200  
Sacramento, CA 95833-4231

Phone: (916) 263-0654

Fax: (916) 376-6318



## SECTION 8: DUE PROCESS HEARINGS

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### **Resolving Differences and Due Process Hearings**

If you disagree with anything with your child's Early Start program, you can try to talk about it at the IFSP meeting or ask for a mediation hearing. If that doesn't solve the issue, you can request a due process hearing. You can get help from your child's service coordinator, the regional center, or the Special Education Local Plan Area (SELPA) office. [34 CFR 303.430, 17 CCR 52172]

### **Reasons for asking for a Due Process Hearing**

You can ask for a due process hearing if you disagree about any part of your child's Early Start eligibility or services. [17 CCR 52172(a)]

### **Continuing Services During Due Process**

While the due process is happening, your child will continue to get the Early Start services listed in their Individualized Family Service Plan (IFSP), unless you and the Early Start program agree to change them. If you are disagreeing about a new service that hasn't started yet, your child will still receive all the services in the IFSP that you are not disputing. However, once your child turns 36 months old, all Early Start services will end. After that, your child will receive services from the next program they transition to if they are eligible for that program. [34 CFR 303.209]

### **Requesting a Due Process Hearing**

To start a due process hearing, send your written request to the Office of Administrative Hearings at this address [17 CCR 52172]:

Office of Administrative Hearings  
Attention: Early Start Intervention Section  
2349 Gateway Oaks Drive, Suite 200  
Sacramento, CA 95833-4231

Phone: (916) 263-0654

Fax: (916) 376-6318





You can get the form to request a due process hearing from your service coordinator, the Early Start program, or the Department's website.

### **Important Time Limits**

You must file your written request for a due process hearing within two years of the date you knew you disagreed with the Early Start program [34 CFR 303.400(a)(2)].

The due process hearing must be completed within 30 calendar days from the day that the Office of Administrative Hearings receives your request. The decision will be final unless you appeal it. [17 CCR 52172(e)]

## SECTION 9: STATE COMPLAINTS

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### Filing a Complaint

Anyone can file a signed, written complaint against a regional center, LEA, or private service provider that gets Early Start funds. You can file a complaint about violations of state or federal Early Start laws or regulations. You can also file complaints to resolve problems like being denied eligibility or services. Only Early Start procedures are used to resolve Early Start complaints. [17 CCR 52170]

### Privacy Protection

The Department must investigate all complaints it receives. The Department cannot share your child's personal information without your written permission, except with authorized employees from the Early Start program. [34 CFR 303.432, 17 CCR 52169, 17 CCR 52170(a)]

### Getting Help with Filing Complaints

You can get help with filing complaints from your child's service coordinator, the regional center office, or the Special Education Local Plan Area (SELPA). The Department and CDE can also provide information and some help. Advocacy organizations like the State Council on Developmental Disabilities (SCDD) or Disability Rights California are also available for help. [34 CFR 303.437, 17 CCR 52170]

### Where to File Complaints

Send your signed, written complaint to:

Department of Developmental Services  
Attention: Appeals, Complaints & Projects Section  
1215 O Street, MS 8-20  
Sacramento, CA 95814

Phone: (916) 651-6309

Fax: (916) 654-3641

Email: [earlystart@dds.ca.gov](mailto:earlystart@dds.ca.gov)





## **Rights When Filing a Complaint**

1. You have the right to get help from your service coordinator when filing a complaint. [17 CCR 52170]
2. You can submit additional information to the Department that may help with the investigation. [34 CFR 303.433, 17 CCR 52171(a)]
3. You will receive a final written decision from the Department within 60 days after they get your complaint. [34 CFR 303.433, 17 CCR 52171(a)]
4. If the Department finds that services were wrongly denied, they will take steps to correct the issue. This may include paying you back for services you paid for or making sure you get the right services going forward. They will direct the Early Start program to provide the appropriate services. [17 CCR 52171(a)]
5. Have the Department resolve your complaint within 60 days if it is not part of a due process hearing. [34 CFR 303.433, 17 CCR 52171(c)]
6. If your complaint involves the same issue and people as a previous hearing, the Department will let you know that the decision from the previous due process still applies and must be followed. [34 CFR 303.433, 17 CCR 52171(d)]
7. You have the right to have any complaint resolved if a public agency or private service provider does not follow a due process decision. [34 CFR 303.433, 17 CCR 52171(e)]

## **What to Include in a Complaint**

Your complaint must be in writing. It must include a signed statement explaining that the Department, the regional center, LEA, or another service provider involved with Early Start has broken a law or regulation. [34 CFR 303.434, 17 CCR 52172(a)]

Your complaint must include:

1. Your contact information: name, address, and phone number. [17 CCR 52170(g)]
2. If the complaint is about a specific child, include the child's name and address, the name of the regional center, LEA, or service provider, a description of the problem, and how you think the problem should be resolved. [34 CFR 303.434]
3. A clear explanation of the problem, what happened, and any steps taken at the local level to resolve it (if applicable). [17 CCR 52170(g), 17 CCR 52170(g)(5)]
4. The name of the person or organization you are complaining about. Include the name of the regional center, LEA, or service provider. [17 CCR 52170(g)]
5. You must send the complaint to the organization or party you are complaining about. [34 CFR 303.434]
6. The issue you are complaining about must have happened within one year before the Department receives the complaint. [34 CFR 303.434, 17 CCR 52170(c)]

## SECTION 10: CONCLUSION

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We hope this guide has provided you with useful information regarding your rights as a parent. If you have more questions, you can reach out to the Department at 800-515-BABY (800-515-2229) or [earlystart@dds.ca.gov](mailto:earlystart@dds.ca.gov).

Additional information and forms can be found at:

[Appeals & Complaints](#).

