PROPOSED REGULATION ORDER

California Code of Regulations
Title 17. Public Health
Division 2. Health and Welfare Agency—Department of Developmental Services Regulations

Chapter 1. General Provisions (Refs & Anos)
Subchapter 4. Rules for Conducting Research

Chapter 2. Early Intervention Services
Subchapter 1. General Provisions
Subchapter 3. Individualized Family Service Plan
Subchapter 4. Service Coordination and Interagency Agreements
Subchapter 5. Procedural Safeguards

Chapter 3. Community Services
Subchapter 2. Vendorization
Subchapter 3. Regional Center Administrative Practices and Procedures
Subchapter 4. Residential Services and Quality Assurance Regulations

Amend sections 50401, 52000, 52020, 52022, 52040, 52060, 52082, 52084, 52086, 52100, 52102, 52104, 52106, 52107, 52108, 52110, 52111, 52112, 52120, 52121, 52122, 52140, 52160, 52161, 52162, 52164, 52165, 52166, 52167, 52168, 52169, 52170, 52171, 52172, 52173, 52174, 52175, 54302, 54505, and 56002. title 17, California Code of Regulations to read as follows:

[NOTE: Amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The symbol "**# # #**" means that intervening text not proposed for amendment is not shown.]

Chapter 1. General Provisions

Subchapter 4. Rules for Conducting Research

Article 1. Definitions

§ 50401. Definitions.

As used in subchapter, the following words have the specified meanings.

# # #

(i) "Regional Center" means an entity~~a diagnostic, counseling, and service coordination center for persons with developmental disabilities and their families which is~~ established and operated pursuant to sections 4620 through 4669 of c~~C~~hapter 5 of d~~D~~ivision 4.5 of the Welfare and Institutions Code ~~by a private nonprofit community agency/corporation acting as a contracting agency~~.

# # #

Note: Authority cited: Sections 4514~~(e)~~ and 5328~~(e)~~, Welfare and Institutions Code. Reference: Sections 4514~~(e)~~, 4517, 5328~~(e)~~ and 5329, Welfare and Institutions Code.

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 chapter:

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

(2) "Adaptive ~~d~~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 ~~n~~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~~ infant or toddler and the family assessment conducted prior to the ~~child's~~ infant's or toddler's first individualized family service plan (IFSP) meeting.

(5) "Assistive ~~t~~ Technology ~~d~~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) "Assistive ~~t~~Technology ~~s~~Service" means any service that directly assists an infant or toddler with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

(A) The evaluation of the needs of an infant or toddler with a disability, including a functional evaluation of the infant or toddler with a disability in the infant's or toddler's customary environment;

(B) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices;

(C) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(D) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(E) Training or technical assistance for an infant or toddler with a disability or, if appropriate, that infant's or toddler's family; and

(F) Training or technical assistance for professionals, including individuals providing education or rehabilitation services, or other individuals who provide services to or are otherwise substantially involved in the major life functions of~~,~~ infants and toddlers with disabilities.

(7) "Audiology Services" means:

(A) Identification of infants or toddlers with auditory impairments, using at-risk criteria and appropriate audiologic screening techniques;

(B) Determination of the range, nature, and degree of hearing loss and communication functions, by use of audiological evaluation procedures;

(C) Referral for medical and other services necessary for the habilitation or rehabilitation of an infant or toddler with a disability who has an auditory impairment;

(D) Provision of auditory training, aural rehabilitation, speech reading and listening devices, orientation and training, and other services;

(E) Provision of services for prevention of hearing loss; and

(F) Determination of the infant's or toddler's individual amplification, including selecting, fitting, and dispensing appropriate listening and vibrotactile devices, and evaluating the effectiveness of those devices.

(~~7~~8) "Authorized ~~r~~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.

(~~8~~9) "Biomedical ~~i~~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.

(~~9~~10) "Cognitive ~~d~~Development" means the acquisition of learning through ongoing interactions with the environment. Cognitive development involves perceiving, thinking, problem solving and remembering information.

(~~10~~11) "Communication ~~d~~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.

(~~11~~12) "Complainant" means any individual or organization filing a written complaint pursuant to the provisions of ~~s~~Subchapter 5, ~~a~~Article 3.

(~~12~~13) "Concerns" means areas that family members identify as needs, issues or problems they want to address as part of the ~~i~~Individualized ~~f~~Family ~~s~~Service ~~p~~Plan (IFSP) or the evaluation and assessment process which are related to meeting the developmental needs of the infant or toddler.

(~~13~~14) "Consent" means:

(A) The parent has been fully informed of all information relevant to the activity for which consent is sought in the parent's native language;

(B) The parent understands and agrees in writing to carry out the activity for which the parent's consent is sought, and the consent describes that activity and lists the early intervention records, if any, that will be released and to whom they will be released; and

(C) The parent understands that the granting of consent is voluntary and may revoke it at any time. If a parent revokes consent, that revocation is not retroactive.

(~~14~~15) "Day" means calendar day unless otherwise stated.

(~~15~~16) "Early ~~i~~Intervention ~~r~~Records" means information that is directly related to an infant or toddler. These may include, but are not limited to, records relating to identification, evaluation and services.

(~~16~~17) 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-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 Government Code, Chapter 4, Eligibility § 95014(a)(1) and in § 52082(b)(3) for these regulations.~~ Types of early intervention services include those services that are defined in 34 CFR section 303.13(b). The services identified do not comprise exhaustive lists of the types of services that may constitute early intervention services. The identification in the IFSP of other types of service as

an early intervention service must meet the criteria identified in 34 CFR section 303.13(a).

(18) "Early Start" is California's statewide system of early intervention for infants and toddlers under the Individuals with Disabilities Education Act Part C and the California Early Intervention Services Act.

(19) "Early Start Program" means the regional center and/or the local educational agency (LEA) responsible for the coordination of intake, evaluation, assessment, and provision of services for infants and toddlers under the Individuals with Disabilities Education Act Part C and the California Early Intervention Services Act.

(~~17~~20) "Evaluation" means procedures used by qualified personnel to determine an infant's or toddler's initial and continuing eligibility. An initial evaluation refers to the ~~child~~ infant's or toddler's evaluation to determine ~~his or her~~ their initial eligibility for early intervention services. The evaluation applies to infants and toddlers with a disability as specified in ~~§~~sections 52020 and ~~§~~ 52022 ~~of these regulations~~.

(~~18~~21) "Exceptional ~~f~~Family ~~c~~Circumstances" means events beyond the control of the ~~regional center or local educational agency (LEA)~~Early Start Program. 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.

(22) "Expressive Communication" means the ability to communicate thoughts and feelings through words, gestures, signs, and/or symbols.

(~~19~~23) "Family" means the primary caregivers and others who assume major long-term roles in an infant's or toddler's daily life.

(~~20~~24) "Fine ~~m~~ 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.

(~~21~~25) "Funded Capacity" means the number of eligible infants and toddlers~~, 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 56432~~56728.8 as it read on November 1, 1993~~.

(~~22~~26) "Gross ~~m~~ Motor" means the use of large muscle groups of the body, arms, or legs, as in sitting up, walking, or balancing.

(~~23~~27) "Health ~~s~~ Services" means services necessary to enable an otherwise eligible ~~child~~infant or toddler to benefit from the other early intervention services in ~~S~~subsection ~~52000~~(b) (~~16~~17) during the time that the ~~child~~ infant or toddler 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. Such services also include consultation by physicians with other service providers concerning the special health care needs of infants and toddlers with disabilities that will need to be addressed in the course of providing early intervention 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~~ infant's or toddler's IFSP as being needed to meet the infant's or toddler's ~~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~~ infants and toddlers.

(~~24~~28) "Health ~~s~~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 specialty care providers, and immunization status, nutrition and oral health.

(~~25~~29) "Hearing ~~i~~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.
(~~26~~30) "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.

(~~27~~31) "Hypertonia" means a condition of excessive tone or tension in the skeletal muscles.

~~(28) Hypotonia means a condition of diminished tone of the skeletal muscles.~~

(~~29~~32) "Hypoglycemia" means a condition in which the blood sugar is abnormally low.

(33) "Hypotonia" means a condition of diminished tone of the skeletal muscles.

(~~30~~34) "Immediate ~~n~~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.

(~~31~~35) "Individual ~~p~~Program ~~p~~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.

(~~32~~36) "Individualized ~~e~~Education ~~p~~Program (IEP)" means a written statement that is developed and implemented pursuant to Title 20 United States Code Section 1401~~(b)(20)~~(14).

(~~33~~37) "Individualized ~~f~~Family ~~s~~Service ~~p~~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 52086 of these regulations.~~

(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 52086.

(~~34~~38) "Informed ~~c~~Clinical ~~o~~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.

(~~35~~39) "Language of the ~~p~~Parent's ~~c~~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~~ preferred language. If the parent is deaf or blind or has no written language, the mode of communication shall be that ~~normally used~~ preferred by the parent such as sign language, braille, or oral communication.

(~~36~~40) "Local ~~e~~Educational ~~a~~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.

(~~37~~41) "Low ~~i~~Incidence ~~d~~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.

(~~38~~42) "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.

(~~39~~43) "Medical ~~s~~Services" means services provided by a licensed physician for diagnostic or evaluation purposes to determine an infant's or toddler's ~~child's~~ developmental status and need for early intervention services.

(~~40~~44) "Multidisciplinary ~~t~~Team" means two or more individuals from separate disciplines or professions, 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.

(~~41~~45) "Natural ~~e~~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~~ infants or toddlers without disabilities participate.

(46) "Nursing Services" means:

(A) The assessment of health status for the purpose of providing nursing care, including the identification of patterns of human response to actual or potential health problems;

(B) The provision of nursing care to prevent health problems, restore or improve functioning, and promote optimal health and development; and

(C) The administration of medications, treatments, and regimens prescribed by a licensed physician.

(47) "Nutrition Services" means:

(A) Conducting individual assessments in:

1. Nutritional history and dietary intake;

2. Anthropometric, biochemical, and clinical variables;

3. Feeding skills and feeding problems; and

4. Food habits and food preferences;

(B) Developing and monitoring appropriate plans to address the nutritional needs of infants and toddlers.

(C) Making referrals to appropriate community resources to carry out nutrition goals.

(~~42~~48) "Occupational ~~t~~Therapy" means services as defined in Business and Professions Code~~,~~ section 2570.2(l) of d~~D~~ivision 2, ~~C~~chapter 5.6~~.~~ (Occupational Therapy)~~, § 2570.2(l)~~.

~~(43) Physical therapy means services as defined in Business and Professions Code, Division 2, Chapter 5.7. Physical Therapy, §2620(a).~~

(~~44~~49)-"Parent" means:

(A) A ~~natural~~ biological or adoptive parent of an ~~child~~ infant or toddler;

(B) A ~~guardian~~ foster parent;

(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)~~ guardian generally authorized to act as the infant's or toddler's parent, or authorized to make early intervention, educational, health or developmental decisions for the infant or toddler.

(D) ~~A surrogate parent who has been assigned in accordance with 34 CFR 303.422 and 17 CCR 52175 of these regulations~~An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the infant or toddler lives, or an individual who is legally responsible for the infant's or toddler's welfare; or

(E) A ~~foster~~ surrogate parent who has been appointed in accordance with 34 CFR 303.422 and section 52175.~~, 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.~~

(F) Except as provided in subsection (b)(49)(G), the biological or adoptive parent, when attempting to act as the parent and when more than one party is qualified under subsections(A) through (E) of this definition to act as a parent, must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational or early intervention services decisions for the infant or toddler.

(G)

1. If a judicial decree or order identifies a specific person or persons under subparagraphs (A) through (D) to act as the "parent" of an infant or toddler, or to make educational or early intervention service decisions on behalf of an infant or toddler, then the person or persons must be determined to be the "parent".

2. If an EIS provider or a public agency provides any services to an infant or toddler or any family member of that infant or toddler, that EIS provider or public agency may not act as the parent for that infant or toddler.

(4550) "Payor of ~~l~~Last ~~r~~Resort" means the ~~regional center or LEA~~ Early Start Program 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 303.510.

(4651) "Personally ~~I~~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.

(4752) "Physical ~~d~~Development" means the acquisition of fine and gross motor skills involved in functional movement. Physical development includes vision, hearing and health status.

(53) "Physical Therapy" means services as defined in Business and Professions Code section 2620(a) of division 2, chapter 5.7 (Physical Therapy).

(4854) "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.

(55) "Psychological Services" means:

(A) Administering psychological and developmental tests and other assessment procedures;

(B) Interpreting assessment results;

(C) Obtaining, integrating, and interpreting information about infant or toddler behavior and infant or toddler and family conditions related to learning, mental health, and development; and

(D) Planning and managing a program of psychological services, including psychological counseling for infants and toddlers and parents, family counseling, consultation on child development, parent training, and education programs.

(~~49~~56) "Qualified" means that a person meets state certification, licensing, credentialing, registration, or other comparable requirements for the area in which they are ~~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 specifically include, but are not limited to, those listed in ~~S~~subchapter 2~~.~~ (Vendorization)~~, A~~article 3, ~~§~~section 54342~~ of these regulations~~, and registered dieticians; ophthalmologists; optometrists; orientation specialists; pediatricians; psychologists; special educators, including teachers of infants and toddlers with hearing impairments (including deafness) and teachers of infants and toddlers with visual impairments, (including blindness); and speech and language pathologists.

(57) "Receptive Communication" means the understanding of information provided in a variety of ways such as sounds and words; movement and gestures; and signs and symbols.

(~~50~~58) "Record" means the documentation in the infant's or toddler's regional center client file and/or the LEA's cumulative file.

~~(51) 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.~~

(~~52~~59) "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.

(60) "Regional Center" means an entity established and operated pursuant to sections 4620 through 4669 of Chapter 5 of Division 4.5 of the Welfare and Institutions Code.

(~~53~~61) "Resources" means the strengths, abilities, formal and informal supports of the family available to meet the developmental needs of the infant or toddler.

(~~54~~62) "~~S~~Severe ~~o~~Orthopedic ~~I~~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.

(~~55~~63) "Sign language and cued language services" means services that include teaching sign language, cued language, and auditory/oral language, providing oral transliteration services (such as amplification), and providing sign and cued language interpretation.

~~(56) 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).~~

(~~57~~64) "Social or ~~e~~Emotional ~~d~~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.

(65) "Social Work Services" means:

(A) Making home visits to evaluate an infant's or toddler's living conditions and patterns of parent-infant and parent-toddler interaction;

(B) Preparing a social or emotional developmental assessment of the infant or toddler within the family context;

(C) Providing individual and family-group counseling with parents and other family members, and appropriate social skill-building activities with the infant or toddler and parents;

(D) Working with those problems in the living situation (home, community, and any center where early intervention services are provided) of an infant or toddler with a disability and the family of that infant or toddler that affects the infant's or toddler's maximum utilization of early intervention services; and

(E) Identifying, mobilizing, and coordinating community resources and services to enable the infant or toddler with a disability and the family to receive maximum benefit from early intervention services.

(~~58~~66) "Solely ~~l~~Low ~~i~~Incidence ~~d~~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.

(67) "Special Instruction" means:

(A) The design of learning environments and activities that promote the infant's or toddler's acquisition of skills in a variety of developmental areas, including cognitive processes and social interaction;

(B) Curriculum planning, including the planned interaction of personnel, materials, and time and space, that leads to achieving the outcomes in the IFSP for the infant or toddler with a disability or developmental delay;

(C) Providing families with information, skills, and support related to enhancing the skill development of the infant or toddler; and

(D) Working with the infant or toddler with a disability or developmental delay to enhance the infant's or toddler's development.

(68) "Speech-language Pathology Services" means services that include identification of infants and toddlers with communication or language disorders and delays in development of communication skills as defined in 16 CCR section 1399.150.2(b), referral for medical or other professional services necessary for the habilitation or rehabilitation of infants and toddlers 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 as defined in section 54342(a)(31), (38), and (75).

(~~59~~69) "Teratogen" means an agent or factor that causes the production of physical defects in the developing embryo.

(~~60~~70) "Transportation" and related costs means services that include the cost of travel and other costs that are necessary to enable an infant or toddler with a disability and the ~~child's~~ infant or toddler's family to receive early intervention services.

(~~61~~71) "Vision ~~i~~Impairment" means a visual condition which, even with correction, adversely affects the infant's or toddler's development.

(~~62~~72) "Vision ~~s~~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 95001, 95009 and 95028, Government Code. Reference: Sections 95014 and 95028, Government Code; Sections 3001 and 3030, Title 5 California Code of Regulations; Sections 1432, 1436 and 1440, Title 20 United States Code; and Sections 303.9, 303.13, 303.16, 303.20, 303.24, 303.25, 303.26, 303.27, 303.29, 303.31, 303.302, 303.321, 303.340, 303.342, 303.343, 303.344, 303.345, 303.401, 303.420, 303.422, 303.430, 303.432 and 303.510, Title 34 Code of Federal Regulations.

Article 2. Eligibility for California's ~~s~~ Early Start ~~Program~~

§ 52020. General.

An infant or toddler shall be eligible for early intervention services if all of the following are met:

(1) ~~he or she is~~ they are between birth ~~up to~~ and thirty-six months of age; and

(2) they meet one of the criteria specified in ~~S~~section 52022 as determined by means of evaluation pursuant to ~~S~~section 52082; ~~of these regulations~~ and

(3) they needs early intervention services.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1432(5), Title 20 United States Code; Sections 95014(a) and 95016, Government Code; and Section 303.16, Title 34 Code of Federal Regulations.

§ 52022. Eligibility Criteria.

(a) Developmental Delay

A developmental delay exists if there is a significant difference pursuant to section 52082 between the infant's or toddler's current level of functioning and the expected level of development for their his or her age in one or more of the following developmental areas:

(1) Cognitive;

(2) Physical: including fine and gross motor, vision, and hearing;

(3) Expressive Ccommunication;

(4) Receptive communication;

(45) Social or emotional;

(56) Adaptive.

(b) Established Risk

(1) An established risk condition exists when an infant or toddler has a condition of known etiology which has a high probability of resulting in developmental delay, including fetal alcohol syndrome; or

(2) An established risk condition exists when an infant or toddler has a solely low incidence disability.

(c) High Risk for Developmental Disability

(1) High risk for a developmental disability exists when a multidisciplinary team determines that an infant or toddler has a combination of two or more of the following factors that requires early intervention services based on evaluation and assessment pursuant to sections 52082 and section 52084:

(A) Prematurity of less than 32 weeks gestation and/or low birth weight of less than 1500 grams.

(B) Assisted ventilation for 48 hours or longer during the first 28 days of life.

(C) Small for gestational age: below the third percentile on the National Center for Health Statistics growth charts.
(D) Asphyxia neonatorum associated with a five minute Apgar score of zero ~~0~~ to five ~~5~~.

(E) Severe and persistent metabolic abnormality, including but not limited to hypoglycemia, acidemia, and hyperbilirubinemia in excess of the usual exchange transfusion level.

(F) Neonatal seizures or nonfebrile seizures during the first three years of life.

(G) Central nervous system lesion or abnormality.

(H) Central nervous system infection.

(I) Biomedical insult including, but not limited to, injury, accident or illness which may seriously or permanently affect developmental outcome.

(J) Multiple congenital anomalies or genetic disorders which may affect developmental outcome.

(K) Prenatal exposure to known teratogens.

(L) Prenatal substance exposure, positive infant neonatal toxicology screen or symptomatic neonatal toxicity or withdrawal.

(M) Clinically significant failure to thrive, including, but not limited to, weight persistently below the third percentile for age on standard growth charts or less than 85% of the ideal weight for age and/or acute weight loss or failure to gain weight with the loss of two or more major percentiles on the growth curve.

(N) Persistent hypotonia or hypertonia, beyond that otherwise associated with a known diagnostic condition.

(2) High risk for a developmental disability also exists when a multidisciplinary team determines that the parent of the infant or toddler is a person with a developmental disability and the infant or toddler requires early intervention

services based on evaluation and assessment as specified in sections 52082 and ~~section~~ 52084.

(d) A developmental delay shall not be determined based on:

(1) Temporary physical disability;

(2) Cultural or economic factors;

(3) The normal process of second language acquisition; or

(4) Manifestation of dialect and sociolinguistic variance.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections 1432~~(5), 1432(3)~~ and 1435~~(a)(1)~~, Title 20 United States Code; Sections 303.10, 303.16 and 303.300, Title 34 Code of Federal Regulations; Sections 95014 and 95028~~(b)(2)~~, Government Code; and Section 4642, Welfare and Institutions Code.

Subchapter 2. Program and Service Components

Article 1. Child Find &and Referral

§ 52040. Child Find.

(a) ~~Regional centers and LEAs~~Early Start Programs shall conduct child find activities to locate all infants and toddlers who may be eligible for early intervention services.

(b) Child find activities may include:

(1) Assigning liaisons to local hospitals and hospitals with neonatal intensive care units;

(2) Contacting local parent organizations and support groups;

(3) Distributing early intervention materials to agencies and individuals providing medical, social and educational services in the community;

(4) Community-wide health and developmental screening;

(5) Producing and distributing public service announcements;

(6) Producing pamphlets, brochures and other written communication; and,

(7) Making presentations to local professional groups, philanthropic organizations and other organizations established to inform and/or serve culturally diverse populations.

(c) ~~Regional centers and LEAs~~ Early Start Programs shall coordinate local child find activities with each other and other public and private agencies.

(d) Primary referral sources include but are not limited to hospitals, including prenatal and postnatal care facilities, physicians, parents, child care programs, LEAs, public health facilities, other social services agencies and other health care providers.

(e) ~~Regional centers and LEAs~~ Early Start Programs shall inform primary referral sources of the:

(1) Eligibility criteria for early intervention services;

(2) Types of early intervention services available through the Early Start Program;

(3) Contact persons and telephone numbers for ~~regional centers and LEAs~~ Early Start Programs; and,

(4) Federal requirement that a referral shall be made to the ~~regional center or LEA~~ Early Start Program within two (2) working days of identification of an infant or toddler who is in need of early intervention services.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1435~~(a)(5)~~, Title 20, United States Code; Section 303.321, Title 34 Code of Federal Regulations; and Section 95022~~(b) and (e)~~, Government Code.

§ 52060. Referral.

~~The regional center or LEA~~ An Early Start Program that receives an oral or written referral for early intervention services shall ensure that:

(a) The date of the referral is documented in the infant's or toddler's record;

(b) A service coordinator is assigned pursuant to ~~S~~section 52120 ~~of these regulations~~; and,

(c) Written notice is provided and consent is requested pursuant to ~~S~~sections 52161 and 52162 ~~of these regulations~~.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 303.321 ~~(d)~~, Title 34 Code of Federal Regulations.

Article 2. Evaluation and Assessment

§ 52082. Procedures for Evaluation to Determine Eligibility.

(a) The determination of eligibility for an infant or toddler shall be made by qualified personnel of the ~~regional center or LEA~~ Early Start Program. The determination shall be made with the participation of the multidisciplinary team including the parent.

(b) Evaluation to determine eligibility shall be based on informed clinical opinion, which may be used as an independent basis to establish an infant's or toddler's eligibility, and include the following procedures:

(1) A review of pertinent records related to the infant's or toddler's health status and medical history provided by qualified health professionals who have evaluated or assessed the infant or toddler;

(2) A review of educational or other early intervention records;

(3) Gathering information from other sources such as family members, other caregivers, medical providers, social workers, and educators as necessary to understand the full scope of the infant's or toddler's unique strengths and needs;

(4) Information obtained from parental observation and report; and,

(5) Evaluation by qualified personnel of the infant's or toddler's level of functioning in each of the following areas:

(A) Cognitive development;

(B) Physical and motor development, including vision and hearing;

(C) Expressive ~~C~~communication development;

(D) Receptive communication development;

(~~D~~E) Social or emotional development; and,

(~~E~~F) Adaptive development.

(c) No single procedure shall be used as the sole criterion for determining an infant's or toddler's eligibility.

(d) In no event may informed clinical opinion by itself be used to negate the results of the evaluation instruments used to establish eligibility set forth in ~~paragraph~~subsection (b) ~~of this section~~.

(e) Standardized tests or instruments may be used as part of the evaluation specified in subsection ~~52082~~(b) ~~above~~, and, if used, they shall:

(1) Be selected to ensure that, when administered to an infant or toddler with impaired sensory, motor or speaking skills, the tests produce results that accurately reflect the infant's or toddler's aptitude, developmental level, or any other factors the test purports to measure and not the infant's or toddler's impaired sensory, motor or speaking skills unless those skills are the factors the test purports to measure;

(2) Be validated for the specific purpose for which they are used.

(f) If standardized, normed or criterion referenced instruments are used as part of the evaluation specified in subsection ~~52082~~(b) ~~above~~, a significant difference between an infant's or toddler's current level of functioning and the expected level of development for ~~his or her~~ their age shall be established when an infant's or toddler's age equivalent score falls one ~~third~~ quarter below age expectation.

(g) Procedures and materials for evaluation and assessment of infants and toddlers shall be selected and administered so as not to be racially or culturally discriminatory.

(h) Infants or toddlers with solely low incidence disabilities shall be evaluated and assessed by qualified personnel of the LEA whose professional preparation, license or credential authorization are specific to the suspected disability.

(i) Regional centers, LEAs and multidisciplinary teams shall not presume or determine eligibility, including eligibility for medical services provided through the Department of Health Care Services, for any other state or local government program or service when conducting evaluations or assessments of an infant or toddler or their family.

(j) Evaluations for eligibility shall be conducted in natural environments whenever possible.

NOTE: Authority cited: Sections 95001, 95009 and 95028, Government Code. Reference: Sections 303.300~~(b) and (c)~~, 303.113, 303.321, 303.322 and 303.344, Title 34 Code of Federal Regulations; and Sections 95014~~(a)(1)~~ and 95016, Government Code.

§ 52084. Assessment for Service Planning.

(a) Assessment for service planning for eligible infants or toddlers shall identify all of the following:

(1) The infant's or toddler's unique strengths and needs in each of the ~~five~~ six areas specified in ~~S~~section 52082(b)(~~3~~5);

(2) Early intervention and other services appropriate to meet the needs identified in subsection (a)(1)~~ of this subsection~~; and

(3) If the family consents to a family assessment, the resources, priorities and concerns of the family and the supports and services necessary to enhance the family's capacity to meet the developmental needs of an infant or toddler with a disability.

(b) For purposes of service planning, ~~regional centers and LEAs~~Early Start Programs may use existing evaluation materials if the multidisciplinary team agrees that the existing materials adequately describe the levels of development and service needs for the infant or toddler.

(c) Assessment for service planning shall be based on age-appropriate methods and procedures which may include any of the following:

(1) A review of information related to the infant's or toddler's health status and medical history provided by qualified health professionals who have evaluated or assessed the infant or toddler;

(2) Developmental observations by qualified personnel and the parent;

(3) Other procedures used by qualified personnel to determine the presence of a developmental delay, established risk condition, or high risk for a developmental disability; and

(4) Standardized tests or instruments.

(d) Assessments of family resources, priorities and concerns related to enhancing the development of the infant or toddler shall be voluntary on the part of the family. The family assessment shall:

(1) Be conducted by qualified personnel trained to utilize appropriate methods and procedures;

(2) Be based on information provided by the family through a personal interview;

(3) Incorporate the family's description of its resources, priorities and concerns related to enhancing the development of the infant or toddler; and,

(4) Be conducted in the language of the family's choice or other mode of communication unless it is not feasible to do so.

(e) Assessments for service planning shall be conducted in natural environments whenever possible.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections ~~Sections~~ 1435~~(a)(3)~~ and 1436~~(a)(1)~~, Title 20 United States Code; Section 303.322, Title 34 Code of Federal Regulations; and Sections 95014 and 95016, Government Code.

§ 52086. Time ~~L~~lines for Completion of Evaluation and Assessment.

(a) Except as provided in subsection (b), the initial evaluation and assessment for eligibility for each infant or toddler shall be completed within 45 days of the date that the ~~regional center or LEA~~Early Start Program received the referral.

(b) In the event of exceptional circumstances which make it impossible to complete the initial evaluation and assessment for eligibility within 45 days of receiving a referral, the service coordinator shall:

(1) Document the exceptional circumstances in the infant's or toddler's record;

(2) Complete~~ing~~ the evaluation and assessment as soon as possible after the documented exceptional family circumstances no longer exist or parental consent is obtained.

(c) If an infant or toddler has been determined eligible, but the assessment required in ~~S~~section 52082 has not been completed within 45 days of receiving a referral because of exceptional family circumstances, the service coordinator shall:

(1) Document the exceptional family circumstances in the infant's or toddler's record;

(2) Develop an interim IFSP pursuant to ~~S~~section 52107~~ of these regulations~~; and,

(3) Provide the services agreed upon in the interim IFSP.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1435~~(a)(3)~~, Title 20 United States Code; Sections 303.322~~(d), 303.322(e)~~ and 303.345~~(b)~~, Title 34 Code of Federal Regulations; and Sections 95016~~(b)~~ and 95020~~(b)~~, Government Code.

Subchapter 3. Individualized Family Service Plan

Article 1. General

§ 52100. Individualized Family Service Plan (IFSP).

~~Regional centers and/or LEAs~~Early Start Programs shall ensure that a written IFSP is developed for providing early intervention services. The IFSP shall address the infant's or toddler's developmental needs and the needs of the family related to meeting the developmental needs of the infant or toddler. An IFSP shall be developed and implemented for each infant or toddler who has been evaluated, assessed and determined to be eligible for early intervention services.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections 1435~~(a)(4)~~ and 1436~~(a)(2)~~, Title 20 United States Code; Sections 303.14, 303.340 and 303.342, Title 34 Code of Federal Regulations; and Section 95020, Government Code.

Article 2. Content and Procedures for the IFSP

§ 52102. Procedures for IFSP Development, Review and Evaluation.

(a) An initial IFSP shall be developed by the ~~regional center and/or LEA~~Early Start Program for each eligible infant or toddler, who has been evaluated and assessed, within 45 days of the receipt~~, by either the regional center or LEA,~~ of the oral or written referral except as provided for in s~~S~~ection 52107 ~~of these regulations~~.

(1) During the initial IFSP meeting, a request for consent shall be offered to the parent for a referral to be made to the local family resource center or network. The request for consent shall be offered at each subsequent IFSP meeting if consent was not previously obtained. All such offers shall be documented in the IFSP.

(b) A periodic review of the IFSP for an infant or toddler and the infant's or toddler's family shall be conducted every ~~six~~ three months, or more frequently if service needs change, or if the parent requests such a review.

(c) Documentation of each periodic review of the IFSP by the service coordinator shall include:

(1) The degree to which progress toward achieving the outcomes is being made; and

(2) All modifications or revisions of the outcomes or services as necessary.

(d) The periodic review of the IFSP may be carried out by a meeting or by another means that is acceptable to the parent and other participants. The consensus by all parties must be documented in the infant's or toddler's record.

(e) An annual meeting to review the IFSP shall be conducted to document the infant's or toddler's progress and revise its provisions and shall include team members as specified in s~~S~~ection 52104 ~~of these regulations~~.

(f) Information obtained from ongoing assessment shall be used in reviewing and revising outcomes and determining the appropriate services that will be provided or continued.

(g) All IFSP meetings shall be conducted:

(1) In settings and at times or by means that are reasonably convenient to the parent; and

(2) In the language of parent's choice unless it is clearly not feasible to do so.

(3) At a frequency and in a modality consistent with Government Code section 95020.

(h) Meeting arrangements shall be made with, and written notice provided to, the parent and ~~other~~ all members of the multidisciplinary team ~~in a timely manner~~ no less than seven calendar days from the scheduled IFSP meeting to ensure attendance at the IFSP meeting pursuant to the general notice requirements contained in s~~S~~ection 52161 ~~of these regulations~~. The Early Start program must document in the infant's or toddler's record that the parent was informed of their right to invite other people, including, but not limited to, a family member or an advocate or peer parent, or any or all of them, to accompany the parent to any or all IFSP meetings, as noted in section 52104(b).

(1) A parent may request that an IFSP meeting be convened on short notice, and the Early Start Program shall make reasonable efforts to accommodate this request. When such a request is made, the minimum seven calendar days' written notice shall be waived.

(i) The contents of the initial and annual IFSP and changes to the IFSP resulting from the periodic review shall be fully explained and a legible copy of the document given to the parent. Written consent from the parent shall be obtained prior to the provision of early intervention services described in the IFSP as required in ~~S~~section 52162(a) ~~of these regulations~~.

(j) If the parent does not provide consent with respect to a particular early intervention service listed in the IFSP or withdraws consent after first providing it, that service shall not be provided. The early intervention services to which parental consent is obtained shall be provided.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections 1435~~(a)(4)~~ and 1436, Title 20 United States Code; Sections 303.340, 303.342, 303.343, and 303.344 ~~and 303.403~~, Title 34 Code of Federal Regulations; and Section 95020~~(b)~~, Government Code.

§ 52104. Participants in Initial and Annual IFSP Meetings and Periodic Reviews.

(a) Each initial IFSP meeting and each annual IFSP meeting shall include the following participants:

(1) The parent of the infant or toddler;

(A) In the case of a foster parent acting as the parent, ongoing efforts to invite the biological parent(s) who hold(s) the educational rights should be made to support reunification and engagement efforts.

(B) When parents have shared custodial rights, ongoing efforts to invite both parents should be made.

(C) All such efforts will be documented in the infant's or toddler's record.

(2) The service coordinator who has been working with the family since the initial referral of the infant or toddler for evaluation and assessment or who has been designated by the ~~regional center or LEA~~ Early Start Program to be responsible for implementation of the IFSP; and,

(3) The person(s) who conducted the evaluations or assessments.

(b) If requested by the parent, each initial IFSP meeting and each annual IFSP meeting shall include the following participants:

(1) Other family members; and

(2) An advocate or person outside of the family.

(c) Each IFSP meeting shall include persons who will be providing services to the infant or toddler and family, as appropriate.

(d) Each periodic review of the IFSP shall include:

(1) The parent;

(A) In the case of a foster parent acting as the parent, ongoing efforts to invite the biological parent(s) who hold(s) the educational rights should be made to support reunification and engagement efforts.

(B) When parents have shared custodial rights, ongoing efforts to invite both parents should be made.

(C) All such efforts will be documented in the infant's or toddler's record.

(2) The service coordinator;

(3) Service providers as appropriate; and,

(4) Other family members, an advocate or person outside of the family upon parent request.

(e) If either the evaluators or assessors are unable to attend an initial, or annual IFSP meeting, arrangements shall be made for the person's involvement through other means, including:

(1) Participating in a telephone conference call;

(2) Having a knowledgeable representative attend an IFSP meeting; and

(3) Making pertinent records available at the IFSP meeting.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections 1435~~(b)(4)~~ and 1436~~(b)~~, Title 20 United States Code; Section 95020~~(e)~~, Government Code; and Section 303.343, Title 34 Code of Federal Regulations.

§ 52106. Content of IFSP.

(a) For purposes of this ~~S~~section:

(1) "Duration" means the period between the initiation date of services and the ending date of services in the IFSP.

(2) "Frequency" means the number of days or sessions that a service will be provided during a specified period of time, such as, two times each week or four times each month.

(3) "Initiation" means the beginning date of the service.

(4) "Intensity" means the length of time the service is provided during each session, and whether the service is provided in a group or individual setting.

(5) "Location" means the environment where early intervention services are provided.

(6) "Method" means how a service is provided by qualified persons to accomplish a specified outcome.

(b) The IFSP shall include the following:

(1) With the agreement of the parent, a statement of the family's resources, priorities, and concerns related to enhancing the development of the infant or toddler;

(2) A statement, based on evaluation and assessment information, of the infant's or toddler's present levels of:

(A) Physical development including fine and gross motor development, vision, hearing, and health status;

(B) Cognitive development;

(C) Expressive ~~C~~communication development;

(D) Receptive communication development;

(~~D~~E) Social or emotional development; and,

(~~E~~F) Adaptive development;

(3) The statement of present levels of development required in subsection (b)(2) ~~of this section~~ shall be based on evidence that can be measured or observed by a qualified professional;

(4) A statement of the developmental outcomes expected for the infant or toddler and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving outcomes is being made. Such outcomes shall be based on the identified needs of the infant or toddler and family pursuant to assessment;

(5) A statement about the outcomes for the family when services for the family are related to meeting the special developmental needs of the infant or toddler;

(6) Statements of the specific early intervention services necessary to meet the unique needs of the infant or toddler and the family to achieve the outcomes including:

(A) The frequency, intensity, and method of delivering the services;

(B) The location where the services will be delivered;

1. The statements of location shall specify the natural environments such as home, child-care, school program, or private program where early intervention services shall be provided; and

2. The statement shall include a justification of the extent, if any, to which the services will not be provided in a natural environment.

(C) The projected date for initiation of each service;

(D) The anticipated duration of the services;

(E) The scheduled days when services/programs will not be available when the service provider operates a program which has a fixed schedule which includes breaks in service for periods such as holidays or vacations; and

(F) The name of the ~~regional center, LEA~~Early Start Program or service provider providing each early intervention service;

(7) The funding source for other or non-required services provided by any entity other than regional centers or LEAs including the procedures that will be followed to obtain such funding;

(8) The name of the service coordinator; and,

(9) A statement of the transition steps, which are initiated ~~when the toddler is two years nine months, or~~ not fewer than 90 days before the toddler is three years old and, at the discretion of all parties, up to ~~six~~ nine months before the toddler turns three years old, that are necessary to ensure the transition of the toddler to:

(A) Preschool services under Part B of the Individuals with Disabilities Education Act, Title 20 United States Code Sections 1400-~~1420~~1419, if the toddler with a disability is eligible; or

(B) Other public and private services that may be needed by the toddler pursuant to ~~s~~Section 52112~~ of these regulations~~.

(c) ~~Regional centers and LEAs~~Early Start Programs shall not place an infant or toddler on a waiting list for early intervention services required by the IFSP.

(d) ~~Regional centers and LEAs~~Early Start Programs shall arrange, provide or purchase early intervention services required by the IFSP ~~as soon as possible~~within 45 days of obtaining the consent of the parent for those services.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections 1400-1420 and 1436~~(d)~~, Title 20 United States Code; Sections 303.12 and 303.344, Title 34 Code of Federal Regulations; and Section 95020, Government Code.

§ 52107. Interim IFSP.

(a) An interim IFSP may be developed for an infant or toddler, who has been determined eligible for early intervention services. The early intervention services may begin before the completion of the assessment if there is an immediate need to provide services and the infant's or toddler's parent has given written consent.

(b) The interim IFSP shall include:

(1) Time-lines for completing assessments;

(2) The name of the service coordinator responsible for completion of evaluation and assessment within the 45-day timeline and implementation of the interim IFSP;

(3) The services agreed upon at the interim IFSP meeting as necessary for the infant or toddler.

(c) An interim IFSP meeting shall provide for the participation of the parent and the service coordinator and the persons responsible for the assessment at a minimum pursuant to ~~S~~section 52104(a)~~ of these regulations~~. Provisions shall be made for the participation of other family members, an advocate or person outside of the family at the parent's request.

(d) The immediate need, the early intervention services needed, and the name of the service coordinator must be documented in the infant's or toddler's interim IFSP.

(e) The existence of an interim IFSP does not absolve the ~~regional center or LEA~~Early Start Program from complying with the 45-day time period to complete the initial assessment in all ~~five~~six areas of development.

(f) An interim IFSP developed to meet an immediate need shall be followed by an IFSP meeting within the 45-day period that commenced with the referral except as provided for in ~~S~~section 52086(d) ~~of these regulations~~.

(g) An interim IFSP may be developed for an infant or toddler who has been determined eligible when exceptional circumstances prevent the completion of assessment within 45 days.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections 303.322~~(e)(2)(ii)~~ and 303.345, Title 34 Code of Federal Regulations.

§ 52108. Designation of Services on the IFSP.

(a) Each service on the IFSP shall be designated as one of the following:

(1) A required early intervention service. These services shall be provided, purchased or arranged by a ~~regional center or LEA~~Early Start Program; or

(2) Other public programs providing services that may benefit the infant, toddler and/or family which the eligible infant or toddler or ~~his or her~~their family may be eligible to receive, subject to the statutory, regulatory and other program criteria of those programs or agencies. These services may include but not be limited to: residential care; family reunification services, Head Start, Supplemental Security Income; Supplemental Security Programs; Temporary Assistance to Needy Families and food stamps; Medi-Cal; or

(3) A referral to a community service that may be provided to an eligible infant or toddler or ~~his or her~~their family but is not required under the California Early Intervention Services Act, Government Code ~~S~~sections 95000-95030.

(A) A non-required service includes but is not limited to: employment, child care; housing; medical services such as surgery, or medication, hospitalization, medical devices necessary to control or treat a medical condition, or immunizations, well-baby care, income support, family or marital counseling unrelated to the infant or toddler's development, and substance abuse counseling.

(B) The IFSP shall, to the extent appropriate, include the steps and time-lines for the service coordinator to assist the parent to secure those services through public or private sources.

(b) The receipt of required early intervention services listed on the IFSP, pursuant to ~~S~~section 52108(a)(1)~~ of these regulations~~, from other state or federal agencies such as California Children Services, is dependent on the infant or toddler and the infant's or toddler's parent meeting the statutory, regulatory, and other program criteria of the agency and/or program that provides those services. These criteria may include financial eligibility and medical condition eligibility as diagnosed by program certified personnel, and on the availability of funding for the program.

(1) In the event that the infant or toddler or infant's or toddler's parent is not eligible to receive those agency services, or funding for the program is unavailable, the required early intervention services shall be provided by the ~~regional center or the LEA~~Early Start Program.

(2) The parent shall be informed in writing of this provision during the initial 45-day evaluation and assessment period and/or during the IFSP meeting.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1435~~(a)(4)~~, Title 20 United States Code; Section~~s~~ 303.12~~, 303.522 and 303.527(c)~~, Title 34 Code of Federal Regulations, and Section 95020~~(d)~~, Government Code.

§ 52110. Basis for the Provision of Services Through LEAs.

(a) LEAs shall provide, arrange, or purchase early intervention services, as required by the infant's or toddler's IFSP, and be payor of last resort for infants and toddlers with solely low incidence disabilities determined eligible for early intervention services under the category of established risk as specified in ~~S~~section 52022(b)(2)~~ of these regulations~~ and who are not eligible for regional center services.

(b) LEAs, pursuant to Education Code ~~S~~section 56425, shall provide services for infants and toddlers who are also eligible for regional center services when the infant or toddler is identified as an individual with exceptional needs ~~pursuant to~~under Education Code ~~S~~section 56026 and ~~T~~title 5, California Code of Regulations, ~~S~~section 3030 and who requires intensive special education services and:

(1) The infant or toddler is functioning at or below 50% of ~~his or her~~ their chronological age level in any one of the following skill areas:

(A) Gross or fine motor development;

(B) Receptive or expressive language development;

(C) Social or emotional development;

(D) Cognitive development;

(E) Visual development; or,

(2) The infant or toddler is functioning between 51% and 75% of ~~his or her~~their age level in any two of the skill areas identified in (b)(1)(A) through (b)(1)(E) ~~of this section~~; or,

(3) Has a condition of known etiology which has a high probability of resulting in developmental delay as specified in section 52022(b)(1); and,

(4) The LEA is operating below the funded capacity as required by Government Code section 95014(c).

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1440, Title 20 United States Code; Sections 303.520 and 303.527, Title 34 Code of Federal Regulations; and Section~~s~~ 95014 ~~(b) and (c)~~, Government Code.

Article 3. Transfer and Transition Procedures

§ 52111. Transfer.

(a) ~~Regional centers and LEAs~~Early Start Programs shall use existing information whenever possible to determine continued eligibility and to minimize delay in the provision of appropriate early intervention services when an eligible infant's or toddler's residence changes to another ~~regional center or LEA~~Early Start Program.

(b) The procedures contained in Welfare and Institutions Code section 4643.5, pertaining to transfers between regional centers, shall apply for an infant or toddler with an existing IFSP who moves from an area where ~~he or she~~they received early intervention services from a regional center into another regional center area.

(c) The procedures contained in Education Code section 56325, pertaining to an IEP, shall also apply~~instead~~ for an infant or toddler with an existing IFSP who moves from an area where~~ he or she~~ they received early intervention services from an LEA into another LEA that provides early intervention services and the LEA is operating below the funded capacity, for an infant or toddler with a solely low incidence disability.

(d) For an infant or toddler~~,~~ with an existing IFSP~~,~~ who is receiving early intervention services from an LEA:

(1) Who has not been determined eligible for regional center services; and,

(2) Who moves from an area where an LEA provides early intervention services to an area where there are no services available for the infant or toddler through the LEA.

(A) With parent consent, the sending LEA, if informed about the move by the family, shall notify the receiving regional center as soon as possible of a move to the new area and transmit the infant or toddler's record to expedite service delivery in the new area; or

(B) With parent consent, the LEA shall transmit the infant or toddler's record upon request of the receiving regional center if the LEA was not previously informed of the move by the family.

(C) The receiving regional center shall:

1. Assign a service coordinator as specified in section 52060; and,

2. Arrange, purchase or provide early intervention services to the extent possible within existing resources as specified on the infant's or toddler's current IFSP as soon as possible; and,

3. Within 30 days of receipt of evaluation and assessment materials from the LEA determine eligibility and conduct a periodic review of the IFSP.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 4643.5, Welfare and Institutions Code; and Section 56325, Education Code.

§ 52112. Transition from Early Intervention Services.

(a) LEAs shall provide special education and related services to eligible ~~children~~ toddlers at age three. Pursuant to the requirements contained in Title 34 Code of Federal Regulations, Section 303.344, each LEA shall participate in the transition planning for toddlers served under the Early Intervention Services Act, Government Code s~~S~~ections 95000-~~95030~~95029.5, who may be eligible for ~~preschool programs~~ special education and related services under Part B of the Individuals with Disabilities Education Act, Title 20 United States Code Sections ~~1400-1420~~ 1411-1419, not fewer than 90 days before the toddler is ~~two years nine months~~three years old, or at the discretion of all parties up to ~~six~~ nine months before the toddler ~~child~~ turns three ~~(3)~~years old to ensure that an IEP has been developed and is implemented by the toddler's third birthday.

(1) All toddlers served in Early Start Programs are considered potentially eligible for Part B special education and related services at age three.

(b) ~~The service coordinator, six months before the third birthday of the toddler receiving early intervention services,~~ Not fewer than 90 days before the toddler is three years or, at the discretion of all parties, up to nine months before the toddler turns three, the Early Start Program service coordinator shall:

(1) ~~Notify the parent of a toddler who may be eligible for special education and related services under Part B of the Individuals with Disabilities Education Act that transition planning will occur within the next three to six months;~~ Notify the LEA in writing of a toddler that is potentially eligible for special education and related services on their third birthday. The notification shall include the toddler's name, date of birth and parent contact information including the parents' names, addresses and telephone numbers in accordance with title 34 Code of Federal Regulations, section 303.401(d). In accordance with federal guidance, this disclosure of limited personally identifiable information is allowed without parental consent under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

(2) ~~Notify the LEA where the toddler resides that there will be an IFSP meeting requiring the attendance of an LEA representative pursuant to 34 CFR 300.132, before the toddler is two years nine months, or at the discretion of all parties, up to six months before the toddler turns three years old to specify the transition steps necessary for movement into services under Part B of the Individuals with Disabilities Education Act; and,~~ With parental consent, additional information about the toddler may be shared with the LEA for special education and related services, beyond the information listed in paragraph (1), which may include the family's preferred language, evaluation and assessment information, and copies of IFSPs that have been developed and implemented.

(3) ~~Within thirty days following notification of the parent and the LEA, the family, service coordinator, and LEA shall agree on the date for the IFSP to specify the transition steps necessary for movement into services under Part B~~ Identify the assessments needed to determine if the toddler is eligible or provisionally eligible for Lanterman Act services in accordance with Welfare and Institutions Code section 4512.

(A) For toddlers served with solely low incidence disabilities, this step is not required.

(c) ~~For all toddlers with an IFSP, the transition steps contained in the IFSP at two years nine months or earlier shall include all of the following:~~ When a toddler is found eligible for early intervention services more than 45 but less than 90 days before their third birthday, the Early Start Program service coordinator shall notify the LEA as soon as possible of the toddler who is considered potentially eligible for special education and related services. The notification shall indicate that the toddler may be eligible to receive special education and related services as of their third birthday, and shall include the toddler's name, date of birth and parent contact information including the parents' names, addresses and telephone numbers in accordance with Title 34 Code of Federal Regulations, section 303.401(d).

~~(1) Discussions with and providing information to parents regarding:~~

~~(A) The toddler's transition to special education for a toddler with a disability who may be eligible for special education and related services under Part B of the Individuals with Disabilities Education Act, Title 20 United States Code Sections 1400-1420; and,~~

~~(B) Steps to prepare the toddler for changes in service delivery, including steps to help the toddler adjust to, and function in, a new setting;~~

~~(2) Provide information about community resources such as Head Start, Child Development Preschools, private or public preschool, for a toddler who will not be eligible for special education services after thirty six months of age; and,~~

~~(3) A projected date for conducting a final review of the IFSP to review the early intervention services and the transition outcomes by age three.~~

(d) ~~For toddlers who may be eligible for preschool services from the LEA under Part B of The Individuals with Disabilities Education Act, Title 20 United States Code Section 1400-1420, the transition steps necessary for movement into services under Part B or other appropriate program, written at the IFSP meeting before the toddler is two years nine months, or, at the discretion of all parties, up to six months before the toddler's third birthday, shall include all of the following:~~ When a toddler is referred for an assessment to determine eligibility for early intervention services fewer than 45 days prior to the toddler's third birthday, and with parental consent, the Early Start Program shall refer the toddler to the LEA for special education and related services. Under these circumstances, the Early Start Program is not required to conduct an initial evaluation and assessment or to convene an initial IFSP meeting.

(1) ~~With parental consent, the transmission of information about the toddler to the LEA including evaluation and assessment information and copies of IFSPs that have been developed and implemented;~~ When the referral is received by the regional center, the regional center must discuss and review Lanterman Act eligibility with the family in accordance with Welfare and Institutions Code section 4512.

~~(2) Identifying needed assessments to determine regional center and special education eligibility and determining the regional center or LEA responsible and time lines for completing the needed assessments;~~

~~(3) Statements of the steps necessary to ensure that the referral to an LEA is received by the LEA in a timely manner to ensure that assessments required under the provisions of Part B of the Individuals with Disabilities Education Act are completed and an IEP is implemented by the toddler's third birthday;~~

~~(4) A referral for evaluation and assessment for services under Part B of the Individuals with Disabilities Education Act, Title 20 United States Code Sections 1400-1420, no later than the time that the toddler is two years nine months of age or before the LEA's break in school services if the toddler will become three years of age during a break in school services. The transition IFSP shall~~

~~contain steps necessary to satisfy the referral and IEP development requirements contained in Education Code Sections 56321 and 56344;~~

~~(5) Identification of the people responsible for convening an IEP and final IFSP meeting, and the person responsible for convening an IPP meeting, if necessary, for a toddler by age three to:~~

~~(A) Review the progress toward meeting the early intervention services outcomes identified in the IFSP;~~

~~(B) Determine the eligibility for special education and develop the IEP; and,~~

~~(C) Develop an IPP if the toddler is also eligible for services under the Lanterman Developmental Disabilities Services Act as required in Welfare and Institutions Code Section 4646.~~

(e) The Early Start Program service coordinator, with approval of the family of the toddler with an IFSP, shall convene a transition conference with the Early Start Program, the family, and the LEA. This transition conference shall occur not fewer than 90 days or, at the discretion of all parties, not more than nine months before the toddler's third birthday to develop a transition plan and discuss any special education and related services the toddler may receive from the LEA.

(f) The required transition plan in the IFSP shall be established not fewer than 90 days prior to the toddler's third birthday, and at the discretion of all parties, not more than nine months before the toddler's third birthday.

(1) Each family of a toddler who is served under this part shall be included in the development of the transition plan required under this section.

(2) The transition plan in the IFSP shall be consistent with 34 CFR 303.209(d) and 303.344(h) and include:

(A) Discussion with, and training of parents, as appropriate, regarding future service options and other matters related to the toddler's transition;

1. When applicable, provide information about community resources including, but not limited to, Head Start, and private or public preschool, as well as Family Resource Centers and/or Family Empowerment Centers.

(B) Procedures to prepare the toddler for changes in service delivery, including steps to help the toddler adjust to, and function in, a new setting;

(C) Any services that the IFSP team identifies as needed by that toddler and their family.

(ge) If a toddler is older than two years and six months on the date of the initial IFSP, the IFSP shall include steps to ensure transition to Special Education Services under Part B of the Individuals with Disabilities Education Act or other services that may be appropriate.

(hf) Regional centers may continue providing or purchasing services for a preschooler who has been determined eligible for regional center services:

(1) Until the beginning of the next school term after the toddler's third birthday during a period when the LEA special education preschool program is not in session; and,

(2) When the multidisciplinary team determines that services are necessary until the LEA special education program resumes.

(i) Early Start Programs shall offer families an opportunity to provide feedback on their experiences of the transition process. Early Start Programs will review feedback from the families and utilize this information to update policies, procedures, and training. The feedback collected must address the following:

(1) overall satisfaction with the steps for transition;

(2) satisfaction of information and support received throughout the process; and

(3) understanding of parental rights relating to transition.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1436(d)(8), Title 20 United States Code; Sections 303.148, 303.209, 303.322, 303.340, 303.342, 303.343, 303.344(h), and 303.346, and 303.401, Title 34 Code of Federal Regulations; and Sections 56321, 56343 and 56344, Education Code.

Subchapter 4. Service Coordination and Interagency Agreements

Article 1. Service Coordination

§ 52120. General.

(a) ~~Regional centers or LEAs~~Early Start Programs shall assign a service coordinator under the following circumstances:

(1) At the time that infants or toddlers are referred for evaluation and assessment; and,

(2) When infants of toddlers are determined eligible for early intervention services from ~~regional centers and/or LEAs~~Early Start Programs.

(b) A parent may perform service coordination activities for ~~his or her~~their own infant or toddler in collaboration with the service coordinator assigned by the ~~regional center or LEA~~Early Start Program.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections 303.22 and 303.344~~(g)~~, Title 34 Code of Federal Regulations; and Section 95018, Government Code.

§ 52121. Service Coordination Responsibilities.

(a) The service coordinator shall:

(1) Provide the initial notice to the parent pursuant to ~~S~~section 52160~~ of these regulations~~;

(2) Obtain consent pursuant to ~~S~~section 52162~~ of these regulations~~ and provide written notice pursuant to ~~S~~section 52161;

(3) Serve as the primary point of contact for coordinating services and assistance for the infant's or toddler's parent, service providers and regional center and/or public agencies;

(4) Inform the parent of the availability of additional non-required services as specified in ~~S~~section 52108(a)(3)(A)~~ of these regulations~~ which may provide assistance to the family;

(5) Facilitate the delivery of services on the initiation date identified in the IFSP;

(6) Continuously seek the appropriate services and service providers necessary to enhance the development of each infant or toddler being served for the duration of the infant's or toddler's eligibility;

(7) Coordinate the performance of initial and subsequent evaluations and assessments;

(8) Participate in the development and review of the IFSP;

(9) Monitor the delivery of services and the degree to which progress toward achieving outcomes is being made through the periodic review of the IFSP;

(10) Inform the parent of advocacy services and procedural safeguards contained in these regulations;

(11) Facilitate the exchange of information between service providers including health providers, medical case managers, ~~regional centers and LEAs~~ Early Start Programs; and

(12) Serve as the main point of contact for coordinating and completing, with LEAs, the transition of a toddler and family from Part C to Part B of the federal Individuals with Disabilities Education Act; and,

(~~12~~13) Facilitate the development of transition steps in the IFSP.

(b) Service Coordination may include medical case management services provided by another agency such as High-Risk Infant Follow-up Program, California Children Services or Medi-Cal Managed Care.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1436~~(d)(8)~~, Title 20 United States Code; Sections 303.22 and 303.344~~(g)~~, Title 34 Code of Federal Regulations; and Section 95018, Government Code.

§ 52122. Service Coordinator Qualifications.

Service coordinators shall have demonstrated knowledge about:

(a) Infants and toddlers who are referred for evaluation and assessment or who are eligible for early intervention services;

(b) Working with families and community resources; and

(c) Federal and State requirements related to California's Early Start Program including:

(1) Parent rights and responsibilities;

(2) Due process;

(3) Confidentiality;

(4) Required components of the IFSP;

(5) Time-lines specified ~~with~~in these regulations, beginning with section 52000 et seq.; and in ~~S~~sections 52086(a), 52112(b), 52164(b), 52168(c), 52171(a) and 52174(c) ~~of these regulations~~;

(6) Transition processes from the early intervention service system specified in section 52112 ~~of these regulations~~; and,

(7) The system of payments for services identified in the IFSP.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1436~~(d)(8)~~, Title 20 United States Code; Sections 303.22~~(d)~~ and 303.344~~(g)~~, Title 34 Code of Federal Regulations; and Section 95018, Government Code.

Article 2. Interagency Agreements

§ 52140. Local Interagency Agreements.

(a) ~~Regional centers and LEAs~~Early Start Programs shall develop and maintain local interagency agreements.

(b) Local interagency agreements shall include, but not be limited to, the following:

(1) The responsibilities of each ~~LEA and regional center~~Early Start Program for meeting the terms of the agreement;

(2) Procedures for coordination of child find activities with local public agencies and regional centers to identify infants and toddlers who may be eligible for early intervention services;

(3) Specific procedures for coordination of referrals for evaluation and assessment;

(4) Procedures for the assignment of a service coordinator;

(5) Interagency procedures for identifying the responsibilities of the ~~regional center and LEA~~Early Start Program for completing the evaluation and assessment and determining eligibility within the time requirements contained in ~~S~~section 52086~~ of these regulations~~, when an infant or toddler may receive services from ~~both the~~ regional center and ~~LEA~~ Early Start Programs concurrently;

(6) Procedures for the timely exchange of information between ~~regional centers and LEAs~~Early Start Programs;

(7) Mechanisms for ensuring the availability of contacts at ~~regional centers and LEAs~~Early Start Programs at all times during the year;

(8) Procedures for interagency IFSP development when infants and toddlers may be eligible for early intervention services from the ~~regional center and the LEA~~Early Start Program or other state or local programs or services;

(9) Procedures to ensure the provision of services during periods of school vacations when services are required on the IFSP;

(10) Transition planning procedures ~~which begin at least six months prior to a toddler's third birthday~~ pursuant to ~~S~~section 52112~~ of these regulations~~;

(11) Procedures for resolving disputes between ~~regional centers and LEAs~~Early Start Programs;

(12) Procedures for the training and assignment of surrogate parents; and

(13) Procedures for accepting transfers of infants or toddlers with existing IFSPs.

(14) Procedures for the joint development and dissemination of educational information about transitioning from Part C of the federal Individuals with Disabilities Education Act. In developing these procedures, efforts shall be

made to schedule meetings with and engage parents in transition-related activities.

(c) Local interagency agreements shall be dated and signed by representatives of the ~~regional center and LEA~~Early Start Program.

(d) Interagency agreements shall be reviewed by both parties annually, revised as necessary, dated, and signed by both parties.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1435~~(a)(10~~, Title 20 United States Code; Sections 303.1, 303.174, 303.523 and 303.524, Title 34 Code of Federal Regulations.

Subchapter 5. Procedural Safeguards

Article 1. Notice and Consent

§ 52160. Initial and Annual Notice.

Prior to the initial evaluation and assessment to determine eligibility required in ~~S~~section 52082 ~~of these regulations~~ and annually thereafter, service coordinators shall give written notice to the parent, which shall include:

(a) The personally identifiable information maintained by the ~~regional center or LEA~~Early Start Program;

(b) The types of information used in the evaluation, assessment and IFSP development; and,

(c) The methods that~~regional centers and LEAs~~ Early Start Programs use to protect the confidentiality of personally identifiable information including:

(1) The sources from whom personally identifiable information is gathered;

(2) The uses to be made of the personally identifiable information;

(3) The policies and procedures which ~~regional centers and LEAs~~Early Start Programs follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information as required in ~~T~~title 34, Code of Federal Regulations, ~~S~~sections 300.572 through 300.573; and,

(4) The rights of parents and infants and toddlers regarding access to information, including the rights accorded to families in these regulations and the rights under the Family Education Rights and Privacy Act of 1974, ~~T~~title 20, United States Code, ~~S~~section 1232(g) and implementing regulations in ~~T~~title 34, Code of Federal Regulations, ~~S~~section 99.

Note: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections 99.7, 300.561~~(a)(4)~~ and 303.460, Title 34 Code of Federal Regulations; and Sections 1232~~(g)~~, 1476~~(b)(12)~~ and 1480~~(2) and (3)~~, Title 20 United States Code; and Section 95007~~(g)~~, Government Code.

§ 52161. General Notice Requirements.

(a) Written notice shall be given to the parent of an infant or toddler, eligible or suspected to be eligible to receive early intervention services, ~~a reasonable time before~~by certified mail at least 30 days prior to an Early Start Program ~~regional center or LEA~~ propose~~e~~ing, or refuse~~e~~ing, to initiate or change:

(1) The identification, evaluation, assessment or placement of the infant or toddler; or

(2) Early intervention services to the infant or toddler and the infant's or toddler's family.

(b) The notice shall be in sufficient detail to inform the parent about:

(1) The action that is being proposed or refused;

(2) The reasons for taking the action; and

(3) All procedural safeguards that are available under Title 34 Code of Federal Regulations, ~~S~~sections 303.400 through 303.460.

(c) The notice shall be:

(1) Written using words that are understandable to the general public; and

(2) Provided in the language of the parent's choice, unless it is clearly not feasible to do so. The ~~regional center or LEA~~Early Start Program shall take steps to ensure that:

(A) The notice is translated;

(B) The parent understands the notice; and

(C) There is written evidence that the requirements of this subsection have been met.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 95007(g), Government Code; Sections 1435~~(a)(13)~~ and 1439~~(6)-(7)~~, Title 20 United States Code; and Sections 303.403~~(a), 303.403(b) and 303.403(c)(1)-(2)~~, Title 34 Code of Federal Regulations.

§ 52162. Consent.

(a) The service coordinator shall obtain written parental consent before:

(1) The initial evaluation and assessment of an infant or toddler is conducted; and

(2) Early intervention services are initiated.

(b) The infant's or toddler's record shall contain written evidence that the parent has been informed:

(1) Of information relevant to the evaluation, assessment, early intervention service, or exchange of records for which consent is sought, in the language of the parent's choice, and agrees to the completion of the evaluation or assessment and the provision of early intervention services;

(2) That consent is voluntary and may be revoked at any time;

(3) That ~~he/she~~they may accept or decline any early intervention service and may decline such service after first accepting it, and continue to receive other early intervention services; and,

(4) About who will receive the records and a listing of the records to be exchanged.

(c) If consent is not given or is withdrawn, the ~~regional center or LEA~~Early Start Program service coordinator shall ensure:

(1) That the parent has been informed of the nature of the evaluation and assessment or the early intervention services that would have been provided;

(2) That the parent has been informed that the infant or toddler will not receive the evaluation and assessment or early intervention services unless consent is given; and,

(3) That the infant's or toddler's record contains documentation of the attempts to obtain consent.

(d) Regarding the use of an infant's or toddler's or parent's public benefits or public insurance to pay for early intervention services, ~~regional centers~~Early Start Programs:

(1) May not require a parent to enroll in public benefits or public insurance programs as a condition of receiving early intervention services and must obtain consent prior to using the public benefits or public insurance of an infant or toddler or parent if that infant or toddler or parent is not already enrolled in such a program;

(2) Must obtain consent to use an infant's or toddler's or parent's public benefits or public insurance to pay for early intervention services if that use would:

(A) Decrease available lifetime insurance coverage or any other public benefit for the infant or toddler or parent under that program;

(B) Result in the infant or toddler or parent paying for services that would otherwise be covered by the public benefits or public insurance program;

(C) Result in any increase in premiums or discontinuation of public benefits or public insurance for the infant or toddler or parent; or

(D) Risk loss of eligibility for the infant or toddler or parent for home and community-based waivers based on aggregate health-related expenditures.

(3) Must still make available those early intervention services on the IFSP to which the parent has provided consent, when the parent has not provided consent to the use of the infant's or toddler's or parent's public benefits or public insurance.

(e) Prior to using an infant's or toddler's or parent's public benefits or public insurance to pay for early intervention services, ~~regional centers~~Early Start Programs must provide written notification to the infant's or toddler's parents. The notification must include:

(1) A statement that parental consent must be obtained before the Department ~~of Developmental Services~~ or an early intervention provider discloses, for billing purposes, an infant's or toddler's personally identifiable information to the State public agency responsible for the administration of the State's public benefits or public insurance program;

(2) A statement of the no-cost protection provisions in ~~paragraph~~subsection (d) ~~of this section~~ and that if the parent does not provide the consent under ~~paragraph~~subsection (d) ~~of this section~~, the Department ~~of Developmental Services~~ must still make available those early intervention services on the IFSP for which the parent has provided consent;

(3) A statement that the parents have the right to withdraw their consent to disclosure of personally identifiable information to the State public agency responsible for the administration of the State's public benefits or public insurance program at any time.

(f) Regarding the use of private insurance or benefits of an infant or toddler or parent to pay for early intervention services, ~~regional centers~~Early Start Programs:

(1) May use the infant's or toddler's or parent's private insurance to pay for ~~evaluation, assessment, and~~ required early intervention services to meet the infant's or toddler's needs, as specified on the infant's or toddler's IFSP.

(2) Are not required to obtain parental consent prior to using the infant's or toddler's or parent's private insurance. The use of the infant's or toddler's or parent's private insurance shall comply with Government Code section 95004(c).

(3) Must not delay the provision of early intervention services specified in the IFSP, on account of utilizing the infant's or toddler's or parent's private insurance. Early intervention services specified on the IFSP must ~~begin~~be timely as specified in ~~soon as possible~~section 52109(b).

NOTE: Authority cited: Sections 95001, 95009 and 95028, Government Code. Reference: Section 1439, Title 20 United States Code; Sections 303.401~~(a)(1)-(3)~~, 303.404~~(a), 303.404(b)~~, 303.405 and 303.520, Title 34 Code of Federal Regulations; and Sections 95003 and 95004, Government Code.

Article 2. Access Rights

§ 52164. Access Rights.

(a) An ~~regional center and/or LEA~~Early Start Program shall permit the parent or authorized representative to inspect and review any record relating to their infant or toddler.

(b) The ~~regional center and/or LEA~~Early Start Program shall comply with a request for access to records before any meeting regarding an IFSP or any hearing relating to the identification, evaluation, assessment, placement, or the provision of early intervention services to the infant or toddler and in no case more than 5 working days after the request has been made.

(c) An ~~regional center and/or LEA~~Early Start Program shall respond to requests for explanations and interpretations of the content of a record from parents with the requested explanation or interpretation.

(d) An ~~regional center and/or LEA~~Early Start Program may presume that the parent has authority to inspect and review records relating to their infant or toddler unless there is a court order, state statute, or legally binding document relating to such matters as divorce, separation or custody that specifically revokes those rights.

(e) Each service coordinator shall provide parents, on request, a list of the types and locations of records collected or used by the ~~regional center or LEA~~Early Start Program.

Note: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections 1435~~(a)(13)~~ and 1439~~(4)~~, Title 20 United States Code; Sections 300.562, 300.565, 300.576, 303.402 and 303.460, Title 34 Code of Federal Regulations; and Section 95007~~(g)~~, Government Code.

§ 52165. Documentation of Access.

(a) The ~~regional center and/or LEA~~Early Start Program providing early intervention services to the infant or toddler shall maintain documentation specifying to whom the record was disclosed other than parents and authorized employees specified by the ~~regional center or LEA~~Early Start Program. The parent may inspect the documentation.

(b) Documentation of access shall include:

(1) The name of the person to whom the record was disclosed;

(2) The date the record was disclosed; and

(3) The purpose for which the record was disclosed.

Note: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections 1435~~(a)(13)~~ and 1439~~(4)~~, Title 20 United States Code; Sections 300.402 and 303.460, Title 34 Code of Federal Regulations; and Section 95007~~(g)~~, Government Code.

§ 52166. Records on More Than One Infant or Toddler.

If a record includes information on more than one infant or toddler, the ~~regional center or LEA~~Early Start Program shall provide, for the parent's inspection or review, only the information relating to their infant or toddler or inform the parent of that specific information.

Note: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1439~~(2) and (3)~~, Title 20 United States Code; and Sections 300.564 and 303.460, Title 34 Code of Federal Regulations.

§ 52167. Fees for Copies of Records.

(a) An ~~regional center or LEA~~Early Start Program may charge a reasonable fee for copies of records in an amount not to exceed the actual cost of reproducing records.

(b) The amount of the fee shall not prevent the parents from exercising their right to inspect and review those records.

(c) An ~~regional center or LEA~~Early Start Program may not charge a fee to search for or retrieve records requested by parents or an authorized representative.

Note: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1439~~(3)~~, Title 20 United States Code; Sections 300.566 and 303.460, Title 34 Code of Federal Regulations; and Section 49065, Education Code.

§ 52168. Amendment of Records at Parental Request.

(a) A parent~~,~~ who believes that information in an ~~regional center's or LEA's~~ Early Start Program's records is inaccurate or misleading or violates the privacy or other rights of an infant or toddler or family, may request that the ~~director of~~ the regional center or ~~the Superintendent of~~ the LEA amend or remove the information over which the ~~regional center or LEA~~ Early Start Program has authority.

(b) The service coordinator, upon request, shall assist a parent in communicating with those persons who created information contained in the record, when the ~~regional center or LEA~~Early Start Program did not originate the information which the parent believes is inaccurate, misleading, or violates the privacy or other rights of an infant or toddler or family.

(c) No later than 14 days after receipt of the request for amendment or removal of information from a record, the ~~regional center or LEA~~Early Start Program shall notify the parent if the request has been denied and advise the parent of the right to a meeting with the Director of the regional center or the Superintendent of the LEA pursuant to Title 34 Code of Federal Regulations, ~~S~~section 99.20(c).

(d) If the result of the meeting is that the record will not be amended, the ~~regional center or LEA~~Early Start Program shall inform the parent of the right to place, in the record maintained on the infant or toddler, a statement commenting on the information contained in the record or setting forth any reasons for disagreeing with the contents of any document in the ~~child's~~infant or toddler's records, regardless of whether the document was created by the ~~regional center or LEA~~Early Start program or by any other agency or individual.

(e) Any statement placed in the record of the infant or toddler pursuant to subsection (d) ~~above~~ shall:

(1) Be kept by the ~~regional center or LEA~~Early Start Program as part of the record of the infant or toddler as long as the contested portion of the record is maintained by the ~~regional center or LEA~~Early Start Program; and,

(2) Accompany the record of the infant or toddler if the contested portion is disclosed by the ~~regional center or LEA~~Early Start Program.

Note: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections 300.566, 300.567, 300.569 and 303.460, Title 34 Code of Federal Regulations.

§ 52169. Consent for Release of Information.

Written parental consent shall be obtained before personally identifiable information is disclosed in writing or orally to anyone other than authorized employees specified by the ~~regional center or LEA~~Early Start Program.

Note: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections 1435~~(a)(13)~~ and 1439~~(2)~~, Title 20 United States Code; and Sections 300.571 and 303.460, Title 34 Code of Federal Regulations.

Article 3. Complaint Process

§ 52170. Complaint Procedures.

(a) A complaint shall be a written and signed statement alleging that an ~~regional center, LEA~~Early Start Program or any private service provider receiving funds under Part C of the Individuals with Disabilities Education Act, ~~T~~title 20 United States Code, ~~S~~sections 1431-1445, has violated any federal or state law or regulation governing the provision of early intervention services including the process of determining eligibility provided through Part C of the Individuals with Disabilities Education Act, ~~T~~title 20 United States Code ~~S~~sections 1431-1445, for infants or toddlers and their families.

(b) Any individual or organization may file a complaint.

(c) The alleged violation must have occurred:

(1) Not more than one year before the date that the complaint is received by the Department ~~of Developmental Services~~ unless a longer period is reasonable because the alleged violation continues for that ~~child~~infant or toddler or other ~~children~~infants or toddlers; or

(2) Not more than three years before the date on which the complaint is received by the Department ~~of Developmental Services~~, if the complainant is requesting reimbursement or corrective action as remediation of the complaint.

(d) The procedures under ~~C~~chapter 1, commencing with ~~S~~section 4500 of ~~D~~division 4.5 of the Welfare and Institutions Code or Part 30, commencing with ~~S~~section 56500 of the Education Code, or ~~T~~title 5, California Code of Regulations,

~~S~~section 4600 et seq., shall not be used for resolving complaints regarding California~~'s~~ Early Start ~~Program~~.

(e) Each ~~regional center and LEA~~ Early Start Program shall inform the parent and other interested individuals or organizations of the right to file a complaint directly with the Department ~~of Developmental Services~~ at the following address:

DEPARTMENT OF DEVELOPMENTAL SERVICES
~~OFFICE OF HUMAN RIGHTS~~
ATTENTION: ~~EARLY START COMPLAINT UNIT~~ COMMUNITY APPEALS & RESOLUTIONS BRANCH
1215 O STREET M.S.~~10-50~~ 8-20
SACRAMENTO, CA 95814

(f) If the complainant is unable to provide the complaint in writing, the service coordinator shall directly assist the complainant or provide assistance to identify resources which can aid the complainant in completing the written complaint.

(g) The complaint shall include the following:

(1) The name, address and phone number of the complainant;

(2) A statement that an ~~regional center, LEA~~Early Start Program or any private service provider receiving funds under Part C of the Individuals with Disabilities Education Act, Title 20 United States Code ~~S~~sections 1431-1445, has violated any federal or state law or regulation of a Part C requirement governing the provision of early intervention services for infants or toddlers and their families in California;

(3) A statement of facts upon which the alleged violation is based;

(4) The party allegedly responsible; and

(5) A description of the voluntary steps taken at the local level to resolve the complaint, if any.

(h) Mediation is available at any time to resolve disagreements involving any matter related to IDEA Part C.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Sections 303.22 and 303.510-303.512, Title 34 Code of Federal Regulations; and Section 95007~~(f)~~, Government Code.

§ 52171. Complaint Investigation.

(a) Within 60 days of receipt of the complaint the Department ~~of Developmental Services~~ shall:

(1) Assign the investigation of the complaint to a state interagency team or to the appropriate state agency that is responsible for the administration of the ~~regional center, LEA~~Early Start Program or any private service provider receiving funds under Part C of the Individuals with Disabilities Education Act, ~~T~~title 20 United States Code ~~S~~sections 1431-1445, named in the complaint, which shall:

(A) Conduct an investigation, on-site if necessary; and

(B) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;

(2) Review all relevant information and make a determination as to whether there has been a violation of a statutory or regulatory requirement contained in:

(A) Part C of the Individuals with Disabilities Education Act, ~~T~~title 20 United States Code ~~S~~sections 1431-1445;

(B) The Federal regulations pertaining to Part C of the Individuals with Disabilities Education Act;

(C) The California Early Intervention Services Act, Government Code ~~S~~sections 95000-~~95030~~ 95029.5;

(D) Regulations contained in this chapter;

(E) Welfare and Institutions Code, ~~D~~division 4.5, ~~C~~chapter 5, beginning with ~~S~~section 4500; or,

(F) Education Code beginning with ~~S~~sections 56425 through 56431.

(3) Provide a written decision to all parties which addresses each allegation and includes:

(A) Findings and conclusions;

(B) The reasons for the final decision;

(C) The required corrective actions;

(D) Time-lines for completion of the corrective actions; and,

(E) Provisions for technical assistance.

(4) If the decision of the Department ~~of Developmental Services~~ includes remedies for denial of appropriate services, the remedies may include:

(A) Actions to remediate denial of those services, including as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the ~~child~~infant or toddler and ~~the child's~~their family, and

(B) Actions to assure that services are provided appropriately in the future for infants and toddlers with disabilities and their families.

(b) An extension of the time limit under ~~paragraph~~subsection (a) of this ~~S~~section shall be made by the Department ~~of Developmental Services~~ when events beyond the control of the Department ~~of Developmental Services~~ occur including but not limited to the complainant's illness, the complainant's absence from the geographical area, inability to locate the complainant, or a natural disaster.

(c) If a written complaint is received that is also the subject of a due process hearing pursuant to 34 CFR 303.420 and 17, CCR, sections 52172 and 52174, or contains multiple issues, of which one or more are part of that hearing, the Department ~~of Developmental Services~~ shall set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. Any issue in the complaint that is not part of the due process action will be resolved by the Department ~~of Developmental Services~~ within the 60 calendar-day time-line using the complaint procedures described in this section.

(d) If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties, the hearing decision is binding, and the Department ~~of Developmental Services~~ shall inform the complainant to that effect.

(e) The Department ~~of Developmental Services~~ shall resolve any complaint alleging the failure of a public agency or private service provider to implement a due process decision.

Note: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 303.510-303.512, Title 34 Code of Federal Regulations; and Section 95007~~52007(g)~~, Government Code.

Article 4. Mediation and Due Process Procedures

§ 52172. Procedures That Apply to Both Mediation and Due Process.

(a) A parent may request a mediation conference and/or a due process hearing under any of the following circumstances:

(1) An ~~regional center or LEA~~Early Start Program proposes to initiate or change the identification, evaluation, assessment, placement or provision of appropriate early intervention services;

(2) An ~~regional center or LEA~~Early Start Program refuses to initiate or change the identification, evaluation, assessment, placement or provision of appropriate early intervention services; or,

(b) A parent may also request a mediation conference at any time to resolve disagreements involving any matter related to IDEA, Part C.

(c) An ~~regional center or LEA~~Early Start Program may request a mediation conference or a due process hearing when the parent refuses to consent to all or any part of an evaluation and assessment of the infant or toddler.

(d) All requests for a mediation conference and/or due process hearing shall be in writing and filed with the contractor that the Department ~~of Developmental Services~~ uses for mediation and due process hearings. If a parent is unable to make a request for mediation or a due process hearing in writing, the service coordinator shall assist the parent in filing the request.

(e) The duration for either a mediation conference or a due process hearing shall not exceed a total thirty days for each process from the receipt of the mediation or due process request to the mailing of the mediation agreement or hearing decision. If a mediation conference is requested at or during the time of a due process hearing the mediation conference resolution shall occur prior to the due process hearing.

(f) The location of the mediation and/or due process hearing shall be at a time and place reasonably convenient to the parent.

(g) During the pendency of mediation and/or due process hearing procedures, the infant or toddler shall continue to receive the early intervention services listed on the IFSP they are currently receiving. If mediation and/or due process hearing involves the initiation of a service(s) the infant or toddler shall receive those services that are not in dispute.

(h) Mediation and due process hearings shall be conducted in English and interpreted in the language of the family's choice or other mode of communication.

Note: Authority cited: Sections 95009 and 95028, Government Code; and Section 4712~~(k)~~, Welfare and Institutions Code. Reference: Sections 1435~~(a)(13)~~ and 1439~~(l)~~, Title 20 United States Code; Sections 303.420 and accompanying notes, 303.421, 303.423 and 303.425, Title 34 Code of Federal Regulations; and Section 95007~~(g)~~, Government Code.

§ 52173. Mediation Procedures.

(a) Mediation shall be voluntary.

(b) Mediation is available at any time to resolve disagreements involving any matter related to IDEA Part C.

(c) The mediation conference shall be conducted by a mediator who is an impartial, third party with no personal or professional interest that would conflict with ~~his or her~~their objectivity in mediating a disagreement.

(d) The due process hearing officer shall be a different person than the mediator when mediation does not resolve the disagreement.

(e) The mediator shall be trained in communication, mediation and problem solving and shall be knowledgeable about early intervention programs and the federal and state laws and regulations applicable to Part C of the Individuals with Disabilities Education Act, ~~T~~title 20 United States Code ~~S~~sections 1431-144~~5~~4, and the California Early Intervention Services Act, Government Code ~~S~~sections 95000-9503~~0~~29.5.

(f) The mediator shall be under contract with the Department ~~of Developmental Services~~.

(g) A person who otherwise qualifies under ~~S~~subsections (c) and (d) of this Section as a mediator is not an employee of the Department ~~of Developmental~~

~~Services~~ solely because the person is paid by the Department~~ of Developmental Services~~ to conduct the mediation process.

(h) A parent may be accompanied by any representative at the mediation.

(i) The mediator shall ensure that written agreements from the mediation conference are signed and provided to all participants at the conclusion of the mediation conference.

(j) Discussions during mediation must be confidential and may not be used as evidence in any subsequent due process or civil proceedings.

NOTE: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1439~~(1)~~, Title 20 United States Code; Sections 303.420~~(a)-(b) and accompanying notes~~, 303.421~~(a)-(b)~~ and 303.422, Title 34 Code of Federal Regulations.

§ 52174. Due Process Hearing Procedures.

(a) The hearing shall be conducted by a due process hearing officer who is an impartial, third party with no personal or professional interest that would conflict with ~~his or her~~their objectivity in conducting the hearing.

(b) The due process hearing officer shall be knowledgeable about the federal and state laws and regulations applicable to Part C of the Individuals with Disabilities Education Act, ~~T~~title 20 United States Code ~~S~~sections 1431-144~~5~~4, and the California Early Intervention Services Act, Government Code ~~S~~sections 95000-950~~30~~29.5, the Lanterman Developmental Disabilities Services Act, Welfare and Institutions Code sections 4500 et seq.; and ~~P~~part 30 of the California Education Code, commencing with ~~S~~section 56500 et seq.

(c) The hearing officer shall:

(1) Listen to the presentation of relevant viewpoints about the issue of disagreement;

(2) Examine the evidence presented during the hearing;

(3) Issue a decision that is in compliance with federal and state law;

(4) Provide documentation of the proceedings, including findings of fact and a written decision; and

(5) Ensure that the decision is mailed to each party after completion of the hearing and within 30 days of receipt of the due process hearing request.

(d) A parent involved in a due process hearing shall have the right to:

(1) Be accompanied and advised by counsel and/or by an individual with special knowledge and training with respect to early intervention services;

(2) Present evidence and confront, cross-examine, and compel the attendance of witnesses;

(3) Prohibit the introduction of any evidence at the proceeding that has not been disclosed to the parent or the other party at least five days before the proceeding;

(4) Obtain a written or electronic, verbatim transcription of the proceeding;

(5) Obtain written findings of fact and decision.

(e) The hearing officer shall be under contract with the Department ~~of Developmental Services~~. A person who otherwise qualifies under ~~S~~subsection (a) or (b) of this ~~S~~section is not an employee of an ~~regional center or LEA~~Early Start Program solely because the person is paid by the agency to conduct the due process hearing.

(f) Disputes which occur related to an IEP meeting which may occur prior to the child's third birthday and which pertain to proposed Part B preschool placements or services shall be filed with and processed by the agent or division of the Department of Education which is responsible for administering due process mediations and hearings pursuant to Part B of the Individuals with Disabilities Education Act and Part 30 of the California Education Code, commencing with section 56500 et seq.

Note: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1439~~(l)~~, Title 20 United States Code; Sections 303.421~~(a)-(b)~~, 303.422~~(b)~~ and 303.423~~(b)~~, Title 34 Code of Federal Regulations; and Section 95007~~(g)~~, Government Code.

Article 5. Surrogate Parents

§ 52175. Surrogate Parents.

(a) ~~Regional centers or LEAs~~ Early Start Programs shall assign an individual to act as a surrogate parent if:

(1) No parent can be identified;

(2) The infant or toddler is a dependent of the juvenile court and the parental rights of the parent have been limited by the court or relinquished; or

(3) The parent cannot be located, after reasonable efforts by the ~~regional center or LEA~~Early Start Program.

(b) Interagency agreements as required in ~~S~~section 52140(b)(12) shall include procedures for:

(1) Determining whether an infant or toddler needs a surrogate parent;

(2) Assigning a surrogate parent to the infant or toddler consistent with the provisions of this Article and Government Code section 7579.5;

(3) Ensuring that surrogates have no interest that conflicts with the interests of the infant or toddler ~~he or she~~they represent~~s~~;

(4) Ensuring that surrogates have knowledge and skills that ensure adequate representation of the infant or toddler;

(5) Ensuring that the surrogate parent is not an employee of any state agency, ~~regional center, LEA~~Early Start Program or service provider involved in the provision of early intervention services to the infant or toddler. A person who otherwise qualifies as a surrogate parent is not an employee solely because ~~he or she is~~they are paid by a state agency, ~~regional center or LEA~~Early Start Program to serve as a surrogate parent.

(c) A surrogate parent may represent an infant or toddler in all matters related to:

(1) The evaluation and assessment of the infant or toddler;

(2) Development and implementation of the infant's or toddler's IFSP including annual evaluations, assessments and periodic reviews;

(3) The ongoing provision of early intervention services to the infant or toddler;

(4) Requesting mediation or due process hearings; and,

(5) Any other early intervention service established under Part C of the Individuals with Disabilities Education Act, Title 20 United States Code ~~S~~sections 1431-1445.

(d) A surrogate parent may not provide consent for medical services for which consent by a parent or legal guardian is required.

Note: Authority cited: Sections 95009 and 95028, Government Code. Reference: Section 1439~~(5)~~, Title 20 United States Code; Sections 303.18 and 303.406~~(a-e)~~, Title 34 Code of Federal Regulations; and Section 95022~~(f)~~, Government Code.

Chapter 3. Community Services

Subchapter 2. Vendorization

Article 2. Vendorization Process

§ 54302. Definitions.

(a) Except as provided in subsection (b) below, the following definitions shall apply to the language contained in Sections 54310 through 54390 of these regulations:

# # #

(54) "Regional Center" means an entity~~a diagnostic, counseling, and service coordination center for developmentally disabled persons and their families which is~~ established and operated pursuant to the Welfare and Institutions Code, S~~s~~ections 4620 through 4669~~, by a private nonprofit community agency or corporation acting as a contracting agency~~. As used in these regulations, any reference to the regional center shall, by reference, be applicable to those agencies or persons with which the regional center contracts to provide service coordination ~~to consumers~~ under the provisions of the Welfare and institutions Code, S~~s~~ection 4648;

# # #

Note: Authority cited: Sections 4405, 4648(a), 4648.12(c)(1)(A), 4689.7(c) and 4866, Welfare and Institutions Code; and Section 11152, Government Code. Reference: Sections 1250 and 1502, Health and Safety Code; Sections 240, 242, 243.4, 245, 261, 264.1, 273d, 285, 286, 288, 288a, 289, 311.2, 311.3, 311.4, 647a, 11165.1, 11165.2, 11165.3 and 11165.6, Penal Code; Sections 4504, 4512(i), 4646.5, 4648~~(a)~~, 4648.12, 4689.7~~(c)~~, 4691, 4693, 4791, 4851, 12305.81~~(a)(2)~~, 15610.57 and 15610.63; and Article II, Chapter 5, Welfare and Institutions Code; and Title 42, Code of Federal Regulations, Sections 455.104, 455.105 and 455.106.

Subchapter 3. Regional Center Administrative Practices and Procedures

Article 1. Regional Center Conflict of Interest Standards and Procedures

§ 54505. Definitions.

As used in this article, the following words and phrases have the specified meanings:

# # #

(j) "Regional Center" means an entity ~~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 ~~and title 14 of the Government Code by a private nonprofit corporation acting as a contracting agency~~.

# # #

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code. Reference: Sections 4520, 4543, 4546, 4622, 4626 and 4627, Welfare and Institutions Code.

Subchapter 4. Residential Services and Quality Assurance Regulations

Article 1. Definitions.

§ 56002. Definitions.

(a) The following definitions shall apply to the regulations used in this subchapter:

# # #

(36) "Regional Center" means an entity~~a diagnostic, counseling and service coordination center for developmentally disabled persons and their families which is~~ established and operated pursuant to Welfare and Institutions Code sections 4620 through 4669~~, by a private nonprofit community agency or corporation acting as a contracting agency~~. As used in these regulations, any reference to the regional center shall, by reference, be applicable to those agencies or persons with which the regional center contracts or employs to provide service coordination ~~to~~ under the provisions of Welfare and Institutions Code section 4647.

# # #

Note: Authority cited: Sections 4681.1, 4695.2~~(e)~~ and 4748, Welfare and Institutions Code. Reference: Sections 4501, 4502, 4503, 4504, 4646, 4646.5, 4647, 4648, 4681.1, 4695, 4695.2, 4705, 4740 through 4748 and 17710, Welfare and Institutions Code; and Sections 1502~~(a)~~ and 13131, Health and Safety Code.