



California's protection and advocacy system
www.disabilityrightsca.org
Toll Free: (800) 776-5746
TTY: (800) 719-5798

#3: Fact Sheet on California's Budget Cuts to Developmental Disability Services & Programs – July 28, 2009

Early Start¹

The State Legislature required the Department of Developmental Services (DDS) to reduce the DD Budget by 334 million dollars. As a result, there are changes to the types and amounts of services that regional centers can purchase. This fact sheet describes the changes to the Early Start program, any exceptions (exemptions) to those changes, and what will happen if the regional center wants to change your services.

Early Start serves infants and toddlers from birth to 3 years old with disabilities. The regional centers currently provide Early Start services to infants and toddlers who have a development delay, have an established risk for developmental delay, or have a developmental disability. The new law changes who is eligible for Early Start and the services provided. The new law also creates a new prevention program for those infants and toddlers who do not meet Early Start eligibility.

How the Law Changed

Changes in Who Is Eligible for Early Start Services.

All infants and toddlers who apply are eligible for intake and assessment. Infants and toddlers are eligible for Early Start services if they have:

¹ The changes are part of the Budget Trailer Bill (TBL) ABx4 9. You may find the law at http://info.sen.ca.gov/pub/09-10/bill/asm/ab_0001-0050/abx4_9_bill_20090728_chaptered.pdf. The changes affecting Early Start are found in Government Code, Sections 95004, 95014, 95020 and Welfare & Institutions Code Section 4435.

1. Established risk conditions. The eligibility criteria for this category is unchanged.
2. Have a developmental delay. This eligibility criteria is changed, see below.

Infants and toddlers who are at high risk of having a developmental disability are no longer eligible for Early Start services and will be served under a new prevention program. This is discussed below.

Eligibility for Early Start services is made by a multidisciplinary team which includes the parents. The eligibility criteria for deciding if the infant or toddler has a developmental delay has changed as follows:

- For children aged 0-23 months, a significant delay is a 33% delay in one or more areas.
- For children aged 24-36 months, a significant delay is 50% in one area or 33% in two or more areas.
- The areas of delay are unchanged and are: cognitive development, physical and motor development, communication development, social or emotional development, or adaptive development.

The age used for determining delay is the age of the child when first referred to Early Start. Eligibility for Early Start services from regional centers has been limited starting July 1, 2009.

Changes to Early Start Services

Use of Neighborhood Preschools

The law has been changed to promote the use of neighborhood preschool services and needed qualified personnel rather than center-based programs for infants and toddlers.

Use of Group Behavioral Training

The law has been changed to promote the use of group behavioral training instead of some or all of in-home parent training for behavioral intervention services.

Use of Private Insurance

The law has been changed regarding use of private insurance for a medical or health care service identified in an eligible infant or toddler's Individual

Family Service Plan (IFSP). Parents must now utilize private insurance for all medical services other than evaluation and assessment in compliance with applicable federal and state law and regulations.²

Exemptions

Parents are not mandated to use private insurance if it is prohibited by some other law or regulation.

Services That Are No Longer Covered in Early Start

Regional centers are no longer allowed to pay for any service that is not required to be provided by federal law. Regional centers will still pay for Durable Medical Equipment (DME).³

New Prevention Program for Infants and Toddlers Who are Not Eligible for Early Start

A child who is not eligible for Early Start services from the regional center is eligible under a new prevention program for at-risk babies if their genetic, medical, developmental, or environmental history is predicative of a substantially greater risk for developmental disability than that for the general population. This program will provide intake, assessment, case management, and referral to generic agencies.

Written Notice of Action Required to Be Given By the Regional Center

If you and your regional center do not agree on a change, the regional center must give you a notice 30 days before the change begins.⁴ The notice must give you the following information:

- the action the regional center is taking;
- the basic facts about why the regional center is making its decision;
- the reason for the action;
- the effective date; and
- the specific law, regulation or policy that supports the action.⁵

² It is currently being determined what is required under federal and state law.

³ Some examples of durable medical equipment are mobility equipment, insulin monitors, catheters, nebulizers, g-tubes, suction machines.

⁴ Welfare & Institutions Code Section 4710

⁵ Welfare & Institutions Code Section 4701. The information must also be in the language you understand.

Filing for Hearing

If you are already receiving the service and you disagree with the regional center's decision and want to continue to receive the service, you must request a fair hearing within 10 days of receiving the notice.⁶ Otherwise, the request must be made within 30 days.⁷

Mediation may be requested during a due process hearing if you decide that that it is appropriate. File your hearing or mediation request with:

Office of Administrative Hearings
Attention: Early Start Intervention Section
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833
(916) 263-0654; Fax: (916) 376-6318

Your Rights During the Hearing Process

You have a right to:

- See your regional center records;
- Be present and give evidence by speaking or writing.
- Have your own family, friends, therapists or doctors be present and speak on your behalf.
- Have a lawyer or advocate present.
- Have an interpreter if your primary language is other than English.

Prepare for Your Hearing

- Gather information that shows that you need the services that the regional center wants to change. Make sure the information you use is accurate and explains your needs in detail. Also, find people who are willing to go to your hearing and tell the judge why you need the services. Make sure these people know your needs.
- At the hearing, you can argue that you have the right to have your needs met to fulfill your IFSP goals and objectives or explain why you meet an exception or exemption to the law.

⁶ Welfare & Institutions Code Section 4715.

⁷ Welfare & Institutions Code Section 4710.5 (a)