



*Parents'*  
**RIGHTS:**

*An*  
EARLY  
START  
GUIDE  
*for*  
FAMILIES

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*Revised 2008*





### **Publishing Information**

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### **Ordering Information**

For additional copies, contact Early Start Resources at 800.869.4337.

For information about California Early Start contact DDS at 800.515.BABY, visit our website at [www.dds.ca.gov/earlystart](http://www.dds.ca.gov/earlystart), or e-mail [earlystart@dds.ca.gov](mailto:earlystart@dds.ca.gov).

# *Introduction*

**E**arly Start is a statewide system of early intervention services for infants and toddlers, from birth to 36 months of age, with disabilities or at risk of having disabilities and their families.

Services are provided in a family-centered, multidisciplinary, interagency, and community-based system. California's Early Start system is governed by federal and state statutes and regulations.

Parents★ have rights and access to procedural safeguards to assure that early intervention services are provided in a manner appropriate to their child's needs and to the concerns of the family.

This booklet is intended for parents and other interested persons and provides information on parents' rights under Early Start.

★ See page 3 for definition of parent as used in this booklet.

**S**tatute and regulation citations are provided in the margins of this booklet to enable the reader to refer to the specific language found in law. The federal statute governing Early Start is Part C of the Individuals with Disabilities Education Act (IDEA), Title 20, United States Code, Section 1431 et seq.

Federal regulations are found in Title 34, Code of Federal Regulations (CFR), Part 303.

The state law governing Early Start is the California Early Intervention Services Act, Government Code (GC), Section 95000 et seq. State regulations are found in Title 17, California Code of Regulations (CCR), Section 52000 through Section 52175.

If you have questions concerning your rights as a parent under Early Start, please contact your regional center or local education agency.



# Evaluation & Assessment

- CFR 303.322  
CFR 303.406  
CCR 52082
- CFR 303.403  
GC 95020(c)  
CCR 52160  
CCR 52161
- CFR 303.401  
CFR 303.404  
CCR 52040(d)
- CFR 303.405  
CCR 52162
- CFR 303.404  
Note 2  
CCR 52172(b)
- CFR 303.322  
GC 95020  
CCR 52082  
CCR 52084
- CFR 303.321  
CFR 303.322  
CCR 52086  
GC 95020(b)
- CFR 303.343  
GC 95014(a)  
GC 95020(b)  
CCR 52082(a)  
CCR 52104
- The determination of eligibility for Early Start in California includes a timely, comprehensive, multi-disciplinary evaluation and assessment of every child under age three years who is suspected to be in need of early intervention services. If no parent or guardian is available or the child is a ward of the court, a knowledgeable surrogate parent who has no conflicting interest will be appointed. Procedural safeguards ensure that families are provided their rights under the law.
- As a parent, you have the right to*
1. be fully informed of your rights under Early Start;
  2. refer your child for evaluation and assessment, provide information throughout the process, make decisions, and give informed consent for your child's early intervention services;
  3. understand and provide voluntary written permission or refusal before the initial evaluation and assessments are administered;  
*Consent for evaluation and assessment is required only at the time of initial evaluation and assessment to receive services. (If consent is refused, the regional center or LEA may take steps to obtain an initial evaluation without parental consent.)*
  4. participate in the initial evaluation and assessment process including eligibility determination;
  5. receive a completed initial evaluation and assessment within 45 days after the referral of your child to a regional center or an LEA;
  6. participate in a meeting to share the results of evaluations and assessments; and
  7. participate in all decisions regarding eligibility and services.

◆  
◆ *The Individuals with Disabilities Education Act (IDEA)*  
◆ *requires the following:*  
◆

- ◆ CFR 303.323  
CCR 52084 ◆ 1. Evaluation and assessment materials are administered in the language of the parents' choice or other mode of communication, unless it is clearly not feasible to do so.
- ◆ CFR 303.323  
CCR 52082 ◆ 2. Evaluation and assessment procedures and materials are selected and administered so as not to be racially or culturally discriminatory.
- ◆ CFR 303.322  
CCR 52082 ◆ 3. Evaluation and assessment materials are appropriate to assess the specific areas of developmental need and are used for the specific purposes for which they were designed.
- ◆ CFR 303.322  
CCR 52082  
CCR 52084 ◆ 4. Evaluations and assessments are conducted by qualified personnel.
- ◆ CFR 303.322  
CCR 52082 ◆ 5. Evaluations and assessments administered to children with known vision, hearing, orthopedic, or communication impairments are selected to accurately reflect the child's developmental level.
- ◆ CFR 303.322  
CCR 52082  
CCR 52084  
CCR 52102 ◆ 6. Evaluations and assessments are administered in the five developmental areas, which include physical development (motor abilities, vision, hearing, and health status); communication development; cognitive development; adaptive development; and social or emotional development. *Assessments and evaluations are ongoing while your child is in Early Start.*
- ◆ CCR 52082(i)  
CCR 52084(e) ◆ 7. Evaluations and assessments shall be conducted in natural environments whenever possible.
- ◆ CFR 303.322  
CCR 52082 ◆ 8. Pertinent records relating to your child's health status and medical history are reviewed.
- ◆ CFR 303.323  
CCR 52082 ◆ 9. No single procedure is used as the sole criterion for determining your child's eligibility for early intervention services.
- ◆ CFR 303.322  
CCR 52084  
CCR 52106 ◆ 10. Interviews to identify family resources, priorities, and concerns regarding the development of your child and your family's needs are voluntary.

# Individualized Family Service Plan

CFR 303.340  
CFR 303.342  
GC 95020(b)  
CCR 52100  
CCR 52102

◆ An individualized family service plan (IFSP) is a written plan for providing early intervention services to an eligible child and the child's family. For an infant or toddler who has been evaluated for the first time, a meeting must take place within 45 days of the referral to the regional center or LEA to share the results of the evaluation, to determine eligibility, and, for children who are eligible, to develop the initial IFSP. Evaluation results and determination of eligibility may be shared with families prior to the first IFSP meeting.

CFR 303.342  
CCR 52102

◆ A periodic review of your child's IFSP must take place at least every six months. A review may occur more frequently if there are any changes to the IFSP or if you request a periodic review with the regional center or LEA. The IFSP must also be reviewed annually to evaluate how your child is doing and to make any needed changes to the IFSP.



◆  
◆  
◆ *During the development and implementation of an IFSP,  
you have the right as the parent to*

- CFR 303.343  
CCR 52104 ◆ 1. attend the IFSP meetings and participate in developing the IFSP;
- CFR 303.343  
CCR 52104 ◆ 2. invite other family members to attend IFSP meetings;
- CFR 303.343  
CCR 52104 ◆ 3. invite an advocate or persons other than family members  
to attend and participate in the IFSP meetings;
- CFR 303.402  
CCR 52102 ◆ 4. have a copy of the complete IFSP;
- CFR 303.342  
CFR 303.403  
CCR 52102 ◆ 5. have the contents of the IFSP fully explained in the language of your  
choice;
- CFR 303.342  
CFR 303.404  
CFR 303.405  
CCR 52102 ◆ 6. give consent to services listed on the IFSP. *If you do not give consent  
to a service, it will not be provided. You may withdraw consent after initially  
accepting or receiving a service;*
- CFR 303.12  
CFR 303.344  
CCR 52106 ◆ 7. have services provided in the natural environment or an explanation of  
why that is not possible;
- CFR 303.460  
CCR 52112  
CCR 52169 ◆ 8. exchange information about your child among other agencies;
- CFR 303.403  
CCR 52161 ◆ 9. be notified in writing before any agency or service provider proposes  
or refuses to initiate or change your child's identification, evaluation,  
assessment, placement, or the provision of appropriate early intervention  
services to your child or your family.
- CFR 303.400  
to 303.460  
CCR 52161 ◆ *The notice must contain:*
- ◆ • *the action that is proposed or refused*
  - ◆ • *reasons for the action*
  - ◆ • *all available procedural safeguards*
- ◆ *The notice must be presented in the language of your choice, unless  
it is clearly not feasible to do so, and may be translated so that you understand  
its contents; and*
- CCR 52109(c) ◆ 10. voluntarily use private insurance to pay for evaluation, assessment, and  
required early intervention services on the IFSP.

# Complaints, Mediation Conferences,

CFR 303.422  
CCR 52170  
CCR 52172  
CCR 52173  
CCR 52174

In Early Start, parents have rights and protections to assure that early intervention services are provided to their children in a manner appropriate to their needs, in consideration of family concerns, and in compliance with applicable federal and State statutes and regulations. The following procedures are only for children under the age of three years.

*As a parent, you have the right to*

- CFR 303.419  
CFR 303.420  
CCR 52172
- CFR 303.510  
CCR 52170
- CFR 303.511  
CCR 52170
- CCR 52171(e)
1. request a mediation conference and/or a due process hearing any time a regional center or LEA proposes or refuses to initiate or change the identification, evaluation, assessment, placement, and/or provision of appropriate early intervention service(s);
  2. be informed of your right to file a complaint;
  3. file a complaint if you believe there has been a violation of any law governing early intervention services under Early Start; and
  4. file a complaint if a due process decision fails to be implemented.

## Compliance Complaints

CFR 303.501  
CFR 303.510  
CFR 303.511  
CCR 52170

Any individual or organization may file a signed, written complaint against the Department of Developmental Services (DDS), the California Department of Education (CDE), or any regional center, LEA, or private service provider that receives Part C funds alleging violations of State or federal early intervention statutes or regulations. The complaint process can also address remedies for denial of appropriate services. Information or assistance in filing complaints is available from your child's service coordinator, the regional center office, or the special education local plan area (SELPA). DDS and CDE are available for consultation regarding the filing of a complaint. Additional assistance is available from advocacy organizations such as the State Council on Developmental Disabilities or Protection and Advocacy, Inc. As efforts to resolve the matter at the local level are undertaken, a complaint may be filed concurrently with a request for a mediation conference and/or due process hearing.

# & Due Process Hearings

- CFR 303.510  
CCR 52170
- ◆ Complaints are filed directly with the  
Department of Developmental Services  
Office of Human Rights and Advocacy Services  
Attention: Early Start Complaint Unit  
1600 9th Street, Room 240, MS 2-15  
Sacramento, CA 95814  
(916) 654-1888 Fax: (916) 651-8210
- CFR 303.511  
CCR 52170
- ◆ *Any individual or organization who files a complaint has the right to*
- CCR 52170
- ◆ 1. receive assistance in filing the complaint from the service coordinator, regional center, or LEA;
- GC 95007  
CCR 52170
- ◆ 2. not be compelled to use any other procedures under the Education Code or the Lanterman Developmental Disabilities Services Act to resolve the complaint;
- CFR 303.512(a)(2)
- ◆ 3. submit additional information to DDS that may be helpful to the investigation;
- CFR 303.512(c)  
CCR 52171
- ◆ 4. receive a final written decision within 60 days of the date DDS receives the complaint;
- CFR 303.512  
CCR 52171(a)(4)
- ◆ 5. receive appropriate remedies that may include monetary reimbursement or other corrective action, and assurance that services will be provided appropriately in the future if the decision of DDS includes remedies for denial of appropriate services;
- CFR 303.512(c)  
CCR 52171(c)
- ◆ 6. have any issue in a complaint that is not part of a due process hearing be resolved by DDS within 60 days of the receipt of the complaint;
- CCR 52171(d)
- ◆ 7. be notified by DDS that the hearing decision is binding if an issue is being raised in a complaint that had previously been decided in a due process hearing involving the same parties; and
- CCR 52171(e)
- ◆ 8. have any complaint resolved that alleges the failure of a public agency or private service provider to implement a due process decision.

# Complaints, Mediation Conferences,

## *The complaint must*

- CFR 303.511  
CCR 52170 ◆ 1. be in writing and contain a signed statement alleging that DDS, CDE, the regional center, LEA, or other service provider involved with Early Start has violated a federal or State law or regulation;
- CCR 52170 ◆ 2. provide the name, address, and phone number of the complainant;
- CFR 303.511  
CCR 52170 ◆ 3. contain a statement of facts upon which the violation is based;
- CCR 52170 ◆ 4. include the name of the party responsible;
- CCR 52170(c) ◆ 5. have occurred not more than one year before the date the complaint is received by DDS unless a longer period is reasonable because the alleged violation continues for the child or other children, or
- ◆ 6. have occurred not more than three years before the date on which the complaint is received by DDS if the complainant is requesting reimbursement or corrective action as remediation of the complaint; and
- CCR 52170 ◆ 7. the complaint may also include, if applicable, a description of the voluntary steps taken at the local level to resolve the complaint.

## **Mediation Conferences and Due Process Hearings**

- CFR 303.419  
CFR 303.420  
CCR 52172  
CCR 52173  
CCR 52174 ◆ **All** parents are encouraged to resolve differences at the lowest administrative level possible. When differences between you and a regional center or LEA cannot be resolved, voluntary impartial mediation and due process hearings are available. You, as a parent, are encouraged to seek assistance from either your child's service coordinator, the regional center, or the SELPA office.  
Circumstances leading to a mediation or due process hearing may be disagreements related to a proposal or refusal for identification, evaluation, assessment, placement, or services.
- CFR 303.403(a)  
CFR 303.419  
CCR 52172 ◆ Your child will continue to receive the early intervention services identified on the IFSP that he/she is currently receiving unless you and the regional center or LEA otherwise agree. If your disagreement involves a new service that has not started, your child will receive all services identified on the IFSP that are not in dispute.

# & Due Process Hearings

CFR 303.420  
CCR 52172

◆ *Requests for a mediation conference and/or a due process hearing are filed with the Office of Administrative Hearings at the following address:\**

◆ Office of Administrative Hearings  
◆ Attention: Early Intervention Section  
◆ 2349 Gateway Oaks Drive, Suite 200  
◆ Sacramento, CA 95833  
◆ (916) 263-0550 Fax: (916) 376-6318

◆ *\*The mediation conference and/or due process hearing request form may be obtained from your service coordinator, the regional center, the LEA, and the DDS website: [www.dds.ca.gov/Forms/pdf/DS1802.pdf](http://www.dds.ca.gov/Forms/pdf/DS1802.pdf)*

CFR 303.423  
CCR 52172

◆ The impartial mediation conference and/or due process hearing must be completed within 30 days of receipt of the request by the Office of Administrative Hearings. The timely issuance of the written decision may not be delayed by any concurrent voluntary local efforts to resolve the matter. The decision will be final unless appealed.

# Complaints, Mediation Conferences, & Due Process Hearings

CFR 303.422  
CCR 52172

◆ *As a parent, you have the right to*

CFR 303.421  
CCR 52173  
CCR 52174

1. have the mediation conference and/or due process hearing conducted by an impartial person not employed by an agency serving your child who is knowledgeable in the laws relating to early intervention and the service needs of infants, toddlers, and families;

CFR 303.423  
CCR 52172

2. require that the proceeding is carried out at a time and in a location that is reasonably convenient for you;

CFR 303.460  
CCR 52160  
CCR 52169

3. have all personally identifiable information maintained in a confidential manner;

CFR 303.424

4. bring a civil action against the other party following completion of the proceeding if you disagree with the results;

CFR 303.425  
CCR 52172

5. receive services identified on the IFSP that are not in dispute; and

CCR 52173(j)

6. have mediation discussions kept confidential and not used as evidence in any subsequent due process or civil proceedings.

◆ *During a due process hearing, you also have the right to*

CFR 303.422  
CCR 52174

1. be accompanied and advised by counsel and/or by individuals with special knowledge with respect to early intervention services for children under age three years;

CFR 303.422  
CCR 52174

2. present evidence, confront, cross-examine, and compel the attendance of witnesses;

CFR 303.422  
CCR 52174

3. prohibit the introduction of any evidence at the proceeding that has not been disclosed to you at least five days before the proceeding begins;

CFR 303.422  
CCR 52174

4. obtain a written or electronic verbatim transcription of the proceeding; and

CFR 303.422  
CCR 52174

5. obtain written findings of facts and decisions within 30 days from the date the request is filed.





*California Early Start is an interagency system of coordinated early intervention services administered by the Department of Developmental Services in collaboration with the California Department of Education.*

[www.dds.ca.gov/earlystart](http://www.dds.ca.gov/earlystart)

