



*California's Protection & Advocacy System
Toll-Free (800) 776-5746*

Early Start Eligibility – Effective January 1, 2015

December 2014, Pub #F057.01

Early Start serves infants and toddlers from birth to 3 years old with disabilities. Prior to July 1, 2009, the regional centers provided Early Start services to infants and toddlers who had a developmental delay, had an established risk for developmental delay, or had a developmental disability. The 2009 Trailer Bill changed who was eligible for Early Start and the services provided. That law also created the prevention program for some infants and toddlers who did not meet Early Start eligibility. Effective January 1, 2015, eligibility for Early Start is restored to the pre-2009 changes.

Eligibility

All infants and toddlers who apply are eligible for intake and assessment.

Infants and toddlers are eligible for Early Start services if they have one of the following criteria:

1. Established risk conditions.
2. A developmental delay.
3. A high risk of having a developmental disability.

Established risk conditions are conditions with a “known etiology” (cause) or conditions with established harmful developmental consequences, the condition should be diagnosed by a professional, and known to have a high probability of leading to a developmental delay is one is not evident at diagnosis.

Developmental delays are those infants and toddlers found to have a “significant difference” between the expected level of development for their age and their current functioning level. A “significant difference” is measured by a 33% delay in one or more developmental area.

Developmental areas include cognitive, physical (including gross and fine motor, vision and hearing), communication, social or emotional and adaptive.

Infants and toddlers **at high risk of having a developmental delay** are those children with a combination (two or more) of biomedical risk factors identified by a professional. These include but are not limited to prematurity or low birth weight, low Apgar scores, neonatal seizures, prenatal substance exposure, and accident or illness that may seriously or permanently affect developmental outcome.

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

If you and your regional center do not agree on whether or not your infant or toddler is eligible for services, the regional center must give you a notice.¹ The notice must give you the following information:

1. The action the regional center is taking;
2. The basic facts about why the regional center is making its decision;
3. The reason for the action;
4. The effective date;
5. The specific law, regulation or policy that supports the action; and²
6. How to appeal the action.

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

¹ Welfare and Institutions Code section 4710

² Welfare and Institutions Code section 4701. The information must also be in the language you understand.

request a fair hearing within 10 days of receiving the notice.³ Otherwise, the request must be made within 30 days.⁴

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
Phone: (916) 263-0654;
Fax: (916) 376-6318

Your Rights During the Hearing Process

You have a right to:

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

Prepare for Your Hearing

Gather information that shows that your infant or toddler meets the eligibility requirements. 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 how your child qualifies.

³ Welfare and Institutions Code section 4715

⁴ Welfare and Institutions Code section 4710.5(a)

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.