



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

Your Baby's & Toddler's Rights (0-3 years) to Receive Information and Services in Your Native Language from the Regional Center under the Early Start Program

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This fact sheet gives you information about your rights to receive information and services in your native language from the regional center in your area under the Early Start Program for newborns and children up to 3 years of age who may have developmental disabilities. For information about services to individuals who are 3 years of age and older, please see our publication: **“Your Rights to Receive Information and Services in Your Native Language from the Regional Center for Individuals Who Are 3 Years and Older”** at the following link:

<http://www.disabilityrightsca.org/pubs/F10101.pdf>.

The California law known as Senate Bill (SB) 555 (Correa) clarifies a regional center's duty under the Early Start Program to provide information and services to you in your native language. You can find the law here:

http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0551-0600/sb_555_bill_20131009_chaptered.pdf

Some people who receive services from the regional centers do not speak English or are limited in speaking or understanding English. There is no requirement that you must speak, read, or write English in order to get the services that you or your baby/toddler need from the regional center. This law helps to ensure that non- or limited English-speaking consumers and

their families have equal information about regional center services and supports.

1. What is considered “native language?”

Under the Early Start Program, “native language” is the language normally spoken by the child’s parents. 34 C.F.R. sec. 303.25(a); Cal. Gov. Code sec. 95020(g)(1). For example, if you speak limited English and you normally speak Spanish, your native language is Spanish.

2. What if I’m deaf or hard of hearing, blind or visually impaired? What does native language mean for me under Early Start?

If you are deaf or hard of hearing, blind, or visually impaired, “native language” means the mode of communication you normally use. This could include, for example, sign language, Braille, or oral communication. 34 C.F.R. sec. 303.25(b); Cal. Gov. Code sec. 95020(g)(1).

3. If my child is being evaluated and assessed for Early Start or for services under Early Start, do I have a right to evaluation and assessment in my native language?

Yes. Evaluations and assessments must be conducted in your native language, unless the regional center can show it is clearly not feasible to do so. 34 C.F.R. sec. 303.321(a)(5); Cal. Gov. Code sec. 95020(g)(1). If your native language is Vietnamese, the regional center must conduct the evaluation and assessment in Vietnamese. This assessment, the meeting to determine eligibility, and the initial Individualized Family Service Plan (IFSP) meeting must be conducted in your native language within 45 days of the referral to the regional center. 34 C.F.R. sec. 303.310; Cal. Gov. Code sec. 95020(b).

4. What about family assessments? Does a family assessment have to be done in the native language of the family member being assessed?

Yes. Assessment of any family member as part of the family assessment must be done in the native language of that family

member, unless the regional center can show it is clearly not feasible to do so. 34 C.F.R. sections 303.321(a)(6), 303.25; Cal. Gov. Code sec. 95020(g)(1).

5. What about IFSP meetings? Do they have to be conducted in my native language?

Yes. You have the right to have the planning process for the IFSP and the IFSP meeting in your family's native language, unless the regional center can show it is clearly not feasible to do so. 34 C.F.R. sec. 303.342; Cal. Gov. Code sec. 95020(g)(1). The IFSP should be reviewed every six months or more often when needed. 34 C.F.R. sec. 303.342(b); 17 C.C.R. sec. 52102(b).

6. Can I have a copy of the IFSP in my native language?

The regional center must fully explain to you, in your native language, what is in the IFSP. 34 C.F.R. sec. 303.342(e).

The regional center also must provide you with a copy of the IFSP in your native language, unless the Department of Developmental Services (DDS) determines that it would be an undue hardship for the regional center to do so. Cal. Gov. Code sec. 95020(g)(1); 22 C.C.R. sections 98210-98211.

7. How soon can I get copy of my IFSP in my native language?

Within a reasonable amount of time, unless DDS says is it an undue burden on the regional center. Cal. Govt. Code sec. 95020(g)(1); 22 CCR sections 98210-98211. You may be able to get the translated IFSP sooner if you remind the regional center that the sooner you get a translated IFSP, the sooner you can consent to services and the sooner your child can receive services. Consequently, the sooner your child receives services to address his or her condition(s), the more time there is to influence a positive outcome. so you can consent to services, the sooner your child can receive services, and the earlier your child receives services to address his or her condition(s), the more time there is to influence a positive outcome.

8. Does the regional center have to document what my native language is in the IFSP?

Yes. The regional center must put down what your native language is in the IFSP. Cal. Gov. Code sec. 95020(g)(2). If you normally speak Korean, for example, then your IFSP must state your native language is Korean.

9. What do I do if the regional center does not document my native language or does not conduct assessment, evaluation, or the planning process in my native language?

If your regional center does not document your native language or does not conduct the assessment, evaluation, or planning process in your native language, you can file a complaint. 17 C.C.R. sec. 52170. To file a complaint under the Early Start Program, send a brief letter to:

California Department of Developmental Services (DDS)
Office of Human Rights and Advocacy Services
Attn: Early Start Complaint Unit
1600 Ninth Street, Room 240, M.S.-215
Sacramento, CA 95814

Your letter should include your name, address, telephone number, and information about what happened, what you have tried to do to resolve it, the names of any people involved, and how to fix what happened. You can file your complaint in your native language. If you have trouble writing your complaint, your child's service coordinator must assist you. You can also use the form on the DDS website: <http://www.dds.ca.gov/Forms/docs/DS1827.pdf>.

Within 60 days of receiving the complaint, DDS must investigate, give you an opportunity to submit additional information, review the information, determine if any laws have been violated, and issue a written decision. The written decision must include findings, conclusions, reasons, and any required corrective action, timelines for corrective action and an offer of technical assistance to the agency found at fault. 17 C.C.R. sec. 52171.

For more information about this process, please see Chapter 12, question 27 of our Special Education Rights and Responsibilities Manual at the following link:

<http://www.disabilityrightsca.org/pubs/504001Ch12.pdf>

You can also file for a fair hearing in lieu of filing a complaint. Once you file for hearing, using the Hearing Request Form at http://www.dds.ca.gov/Complaints/complt_esdueprocess.cfm, you will receive a hearing date very quickly. You need to be prepared before you file for hearing. The hearing is held in front of an Administrative Law Judge. The regional center will present evidence and witnesses and then you will. The written hearing decision must be completed by the Administrative Law Judge within 30 days of your filing for hearing. For more information on hearings in general see

http://www.dds.ca.gov/Complaints/complt_esdueprocess.cfm and <http://www.disabilityrightsca.org/pubs/548401.pdf>.

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>.