



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

Your Rights to Receive Information and Services in Your Native Language from the Regional Center for Individuals Who Are 3 Years and Older

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This fact sheet discusses the laws that allow you to get information, services, and Individual Program Plans (IPPs) in your native language from the regional center, for people who are 3 years of age and older.

Please note that Harbor Regional Center (HRC) uses the term “Individualized Family Service Plan” or “IFSP” instead of “Individual Program Plan” or “IPP” for consumers 3 years old or older. This publication applies to regional center consumers or applicants who are 3 years old or older. For information on children under 3, please see our publication: **“Your Baby’s and Toddler’s Rights (0-3 years) to Receive Information and Services in Your Native Language from the Regional Center under the Early Start Program”** at:

<http://www.disabilityrightsca.org/pubs/F10001.pdf>.

The laws known as Senate Bill (SB) 555 (Correa) and SB 82 (Committee on Budget and Fiscal Review 2015), clarify a regional center’s duty under the Lanterman Act to provide information and services to you in your native language. You can find the two laws here: SB 555:

http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0551-0600/sb_555_bill_20131009_chaptered.pdf and SB 82:

http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0051-0100/sb_82_bill_20150624_chaptered.pdf

Some people who receive services from 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 you need or your child needs from the regional center. These laws help ensure that non- or limited English-speaking consumers and their families have equal information about regional center services and supports.

1. How does the Lanterman Act define “native language?”

The Lanterman Act defines “native language” as the language that you normally use or prefer, and when applicable, the language that your parent, legal guardian, conservator, or authorized representative uses or prefers. For example, if you are limited in your ability to speak English and you normally speak Spanish, your native language is Spanish. Welf. and Inst. Code sec. 4512(m).

2. What if I’m deaf or hard of hearing, blind or visually impaired? What does the regional center have to do to ensure effective communication with me?

If you are deaf or hard of hearing, blind or visually impaired, and you are a client of or seeking services from a regional center, the regional center must communicate with you by using alternative communication services. Welf. and Inst. Code sections 4642(b), 4643(d), and 4646(h). These services must include appropriate auxiliary aids and services where necessary. In deciding how to communicate with you, the regional center must consider the auxiliary aids and services you requested. See Cal. Gov. Code sec. 11135(b), 42 U.S.C. sec. 12132, and 28 C.F.R. sec. 35.160(b). In addition, regional centers are places of public accommodation, which must comply with the requirements of Title III of the Americans with Disabilities Act (ADA) in communicating with persons who have hearing and visual impairments. 42 U.S.C. sec. 12192. Under the ADA Title III for communication with persons who are hearing or visually impaired, the required auxiliary aids and services include sign language interpreters, Braille, or large print, or audio recordings, etc. 28 C.F.R. sec. 36.303.

A regional center may avoid these responsibilities only if it can demonstrate that complying would fundamentally alter the services

the regional center is providing or would be an undue burden on the regional center. If you believe a regional center is violating the ADA, you should file a complaint with the Department of Justice; information on how to file an ADA complaint can be found at http://www.ada.gov/filing_complaint.htm.

3. I believe I have (or my child has) a developmental disability. What does the regional center have to do?

If you believe you have (or your child has) a developmental disability, you are eligible for an initial intake with the regional center. The regional center has to perform the initial intake within 15 working days from the time you contact the regional center for help. Welf. and Inst. Code sec. 4642.

4. Does the initial intake have to be in my native language?

Yes. The regional center must conduct the initial intake with you and your family in your native language. This means, for example, if you normally speak or prefer Spanish, the regional center has to communicate with you during the initial intake in Spanish. A regional center may avoid this responsibility only if the Department of Developmental Services (DDS) has determined that it would be an undue hardship for the regional center to communicate with you in Spanish. Welf. and Inst. Code sec. 4642(b). If DDS has determined that conducting the intake in Spanish is an undue hardship, the initial intake still must be done, but it will be done in English.

5. What does the initial intake have to include?

Initial intake must include information and advice from the regional center to you about the services that regional centers provide and services that are provided by other agencies in the community. This can include mental health, housing, education, work-related training, medical, dental, recreational, and other services or programs that may be useful to a person with a developmental disability or the person's family. Welf. and Inst. Code sec. 4642(a)(2). Information

about regional center services and other agencies and their services must be provided in your native language.¹

6. Does the initial intake have to include a decision about whether the regional center will provide assessment?

Yes. Your initial intake with the regional center must include the regional center's decision about whether or not the regional center will provide an assessment. The regional center's decision must be provided in your native language. Welf. and Inst. Code sec. 4642(b).

7. If I (or my child) need(s) an assessment, does the regional center have to perform the assessment in my native language?

Yes. If the regional center decides an assessment is needed, the regional center must conduct the assessment in your native language unless DDS determines that it would be an undue hardship for the regional center to do so. This could include using a regional center employee that speaks your language or using an interpreter and providing you with written materials in your native language. Welf. and Inst. Code sec. 4643(d).

8. How quickly does the regional center have to perform the assessment?

The regional center must perform an assessment within 120 days following the initial intake. However, the assessment must occur sooner—no later than 60 days after the initial intake—if longer delay will expose you or your child to unnecessary risk to your or your child's health and safety, or cause significant delay in your or your child's mental or physical development, or result in an imminent risk of you or your child being placed in a more restrictive environment. Welf. and Inst. Code sec. 4643(a).

9. What is usually included in an assessment?

An assessment can include collecting and reviewing historical data, getting appropriate testing and evaluation, determining your or your

child's level of disability and service needs, and consideration of evaluations and tests, if the assessment is to determine eligibility for regional center services. Welf. and Inst. Code sec. 4643(a) and (b).

10. What about the planning and development of the IPP and the IPP meeting itself? Does the regional center have to conduct them in my native language?

Yes. The regional center must communicate with you (or your family where appropriate) in your native language during the planning and development of the IPP and at the IPP meeting itself. The regional center may avoid doing so only if it can show that DDS has determined that communicating with you in your native language is an undue hardship. For example, if you normally speak or prefer Vietnamese, the regional center must communicate with you in Vietnamese to plan and develop your IPP and during your IPP meeting. Ways the regional center can do this include using a regional center employee who speaks your language, or using an interpreter, and providing you with written materials in your native language. Welf. and Inst. Code sec. 4646 (h)(1).

11. Can I have a copy of my IPP in my native language?

Yes. The regional center must provide you a copy of your IPP in your native language, or where appropriate, in the native language of your family, legal guardian, conservator, authorized representative, or both, unless DDS has determined that it would be an undue hardship for the regional center to do so. Welf. and Inst. Code sec. 4646(h)(2).

12. How soon can I get copy of my IPP in my native language?

It depends. If you request a translated IPP and your language is considered to be a "threshold language," the regional center must provide you with a translated copy within 45 days of your request. A language is considered a "threshold language" when a certain number or percentage of people say that it is their primary language. Welf. and Inst. Code sec. 4646.5 (a)(5).

13. What happens if my language is not considered a “threshold language”?

If your language is not considered to be a “threshold language,” the regional center can take longer than 45 days to send you a translated IPP. However, the regional center must keep track of the number of times it takes more than 60 days to provide a translated IPP. The regional center must include that data in the regional center’s Purchase of Service Data report and post that report on the regional center’s website. That data is also reported to DDS and posted on DDS’s website. Welf. and Inst. Code sec. 4519.5 (a). You may want to consider filing what is called a Section 4731 complaint if this happens. For information on Section 4731 complaints see: <http://www.disabilityrightsca.org//pubs/PublicationsRULAEnglish.htm> Chapter 12.

14. How do I find out if my language is a “threshold language”?

Spanish is a threshold language for most California counties. Some counties will have more threshold languages than others. For example, Los Angeles County’s threshold languages are Arabic, Armenian, Cambodian, Chinese, English, Farsi, Korean, Russian, Spanish, Tagalog, and Vietnamese. For more information and to see if your language is considered a threshold language in your county, see:

<http://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2014/APL14-008.pdf>

15. Does the regional center have to document what my native language is in the IPP?

Yes. The regional center must put down what your native language is in the IPP. For example, if you speak or prefer Korean, the regional center must state that Korean is your native language in the IPP. Welf. and Inst. Code sec. 4646(h)(3).

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

If your regional center does not document your native language or does not do an intake, assessment, evaluation, or IPP planning process in your native language, you can file a complaint. Under section 4731 of the Lanterman Act, you can file a complaint against the regional center if you believe that your rights have been violated or denied. Welf. and Inst. Code sec. 4731. To file the complaint, write a brief letter to the director of your regional center. For a list of regional center directors and contact information, see <http://www.dds.ca.gov/RC/RCList.cfm>.

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 what remedy could fix what happened. You can file your complaint in your native language.

After you file your complaint, the regional center director has 20 working days to investigate and send you a written proposed resolution. If you do not agree with the proposed resolution, you can refer your complaint to DDS within 15 working days. DDS has 45 days to investigate and send you a response. Welf. and Inst. Code sec. 4731(c).

For more information about your right to file a complaint, please see questions 41-44 of Chapter 12 of our publication "Rights Under the Lanterman Act" at the following link:
<http://www.disabilityrightsca.org/pubs/506301Ch12.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>.