

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

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July 27, 2022

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: EARLY START ELIGIBILITY CHANGES

Developmental Services Trailer Bill, SB 188 (Chapter 49, Statutes of 2022), effective June 30, 2022, amended Government Code (GC) Section 95014 to expand eligibility for early intervention services under the California Early Intervention Services Act (Early Start). The purpose of this guidance is to assist regional centers in operationalizing the changes in the Early Start program and conducting community outreach.

**Program Eligibility**

GC Section 95014 was amended to make the following changes:

- 1. Change in Percent of Developmental Delay**  
The eligibility criteria for early intervention services for an infant or toddler was changed from a 33-percent delay to a 25-percent delay in one or more areas of development. This lower threshold allows more infants and toddlers, from birth through two years of age, who have not gained the expected level of development for their age to receive early intervention services.
- 2. Delays in Communication**  
Communication development was separated into two categories, expressive communication development and receptive communication development. This change increases the total number of developmental areas, from five to six, in which an infant or toddler referred to Early Start will be assessed and evaluated.
- 3. Risks Associated with Fetal Alcohol Syndrome**  
While there is no impact to program eligibility, the change in law highlights fetal alcohol syndrome as one of the many risk factors for which an infant or toddler may require early intervention services. A diagnosis of fetal alcohol syndrome alone does not guarantee program eligibility, which must be determined in accordance with GC Section 95014.

**Assessments and Evaluations**

Any infant or toddler who has been referred to Early Start and is currently undergoing assessment and evaluation (i.e., coded as status 0 in Client Master File), or who has had an assessment and evaluation conducted within the last six months (i.e., January 2022 to June 2022), shall not undergo re-assessment. Regional centers must:

- a. If the infant or toddler is currently being assessed, use the threshold of 25-percent delay in one or more of the six developmental domains to determine the infant's or toddler's eligibility for early intervention services.

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- b. Using all reasonable efforts, contact the family of any status 0 toddler or infant, born in September 2019 or later, who, based on assessments and evaluations made between January 2022 and June 2022, did not qualify for early intervention services due to a developmental delay of 25- to 32-percent in one or more developmental domains, to notify the family that the infant or toddler now qualifies for early intervention services. For communication development, this includes reviewing separately the percentage delay in receptive and expressive communication.

Regional centers must immediately begin providing information to and educating their local communities about updated Early Start eligibility requirements.

If you have any questions regarding this correspondence, please contact Maricris Acon, Deputy Director, Federal Programs Division at [Maricris.Acon@dds.ca.gov](mailto:Maricris.Acon@dds.ca.gov).

Sincerely,

*Original Signed by:*

BRIAN WINFIELD  
Chief Deputy Director

cc: Regional Center Administrators  
Regional Center Directors of Consumer Services  
Regional Center Community Services Directors  
Association of Regional Center Agencies  
Maricris Acon, Department of Developmental Services  
Ernie Cruz, Department of Developmental Services