

**PROPOSED STATEWIDE DEFINITION OF SUBSTANTIAL DISABILITY/HANDICAP
FOR THE CALIFORNIA REGIONAL CENTERS
OCTOBER 2000**

The California Welfare and Institutions Code (W&I Code) §4512 defines a “Developmental disability” as a disability which originates before an individual attains age 18, continues, or can be expected to continue, indefinitely, and constitutes a *substantial disability* for that individual. This term includes mental retardation, cerebral palsy, epilepsy, autism and disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation.

The California Code of Regulations (CCR) Title 17 §54000 defines “Developmental disability” as a disability that is attributable to mental retardation, cerebral palsy, epilepsy, autism or other conditions similar to mental retardation that require treatment similar to that required by mentally retarded individuals. The developmental disability shall:

1. Originate before age 18;
2. Be likely to continue indefinitely;
3. Constitute a *substantial handicap* for the individual.

The California Code of Regulations (CCR) Title 17 §54001 defines *substantial handicap* as:
Substantial Handicap.

- a) “Substantial handicap” means a condition which results in major impairment of cognitive and/or social functioning. Moreover, a substantial handicap represents a condition of sufficient impairment to require interdisciplinary planning and coordination of special or generic services to assist the individual in achieving maximum potential.
- b) Since an individual’s cognitive and/or social functioning is many-faceted, the existence of a major impairment shall be determined through an assessment which shall address aspects of functioning including, but not limited to:
 - 1) Communication skills;
 - 2) Learning;
 - 3) Self-care;
 - 4) Mobility;
 - 5) Self-direction;
 - 6) Capacity for independent living;
 - 7) Economic self-sufficiency.
- c) The assessment shall be made by a group of Regional Center professionals of differing disciplines and shall include consideration of similar qualification appraisals performed by other interdisciplinary bodies serving the potential client. The group shall include as a minimum a program coordinator, a physician, and a psychologist.
- d) The Regional Center professional group shall consult the potential client, parents, guardians/ conservators, educators, advocates, and other client

representatives to the extent that they are willing and available to participate in its deliberation and to the extent that the appropriate consent is obtained.

It is recommended that all of the Regional Centers use the definition of substantial handicap as found in CCR Title 17 §54001 in determining eligibility of an applicant or recipient of Regional Center services. It is recommended that Regional Centers also use the criteria of three or more limitations in the seven major life activities as used in the federal definition of “Developmental Disability” (Attachment 1). The determination of substantial handicap for children under age 5 years of age should be based upon assessment in five areas of functioning (communication skills; learning; self-care; mobility; and self-direction). For children from 6-18 years of age (and adults ages 18-22, who are in educational programs) the determination would be based upon assessment in six areas of functioning (communication skills; learning; self-care; mobility; self-direction; capacity for independent living).

It is also recommended that all Regional Centers use a standard format for documenting the team’s decision regarding Regional Center’s eligibility. A draft format for documenting eligibility decisions is provided as Attachment 2.

Approved by the ARCA Board of Directors on March 16, 2002.

Federal Definition of Developmental Disability

The Developmental Disabilities Assistance and Bill of Rights Act*, defines a “Developmental disability” as follows:

The term “Developmental disability” means a severe, chronic disability of an individual 5 years of age or older that - -

- a) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- b) Is manifested before the individual attains age 22;
- c) Is likely to continue indefinitely;
- d) Results in substantial functional limitations in three or more of the following areas of major life activity - -
 - 1) Self-care;
 - 2) Receptive and expressive language;
 - 3) Learning;
 - 4) Mobility;
 - 5) Self-direction;
 - 6) Capacity for independent living; and
 - 7) Economic self-sufficiency; and
- e) Reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that is of lifelong or extended duration and is individually planned and coordinated, except that such term, when applied to infants and young children means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

*(PL 95-602 [1978] amended in 1996)

Definition of Developmental Disability (excerpts from CCR Title 17)

Developmental disability means a disability that is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other conditions similar to mental retardation that require treatment similar to that required by mentally retarded individuals.

The Developmental Disability shall:

- (1) originate before age 18;
- (2) be likely to continue indefinitely;
- (3) constitute a substantial handicap for the individual as defined CCR §854001.

Definition of Substantial Handicap (excerpts from CCR Title 17)

Substantial Handicap means a condition which results in a major impairment of cognitive and/or social functioning. Moreover, a substantial handicap represents a condition of sufficient impairment to require interdisciplinary planning and coordination of special or generic services to assist the individual in achieving maximum potential.

Since an individual's cognitive and/or social functioning are many-faceted, the existence of a major impairment shall be determined through an assessment which shall address aspects of functioning including, but not limited to:

- (1) Communication skills;
- (2) Learning;
- (3) Self-care;
- (4) Mobility;
- (5) Self-direction;
- (6) Capacity for independent living;
- (7) Economic self-sufficiency.

REGIONAL CENTER

ELIGIBILITY DETERMINATION

StatewideDefinition

CONSUMER IDENTIFICATION

NAME:

DOB:

UCI#: