

**ASSOCIATION OF REGIONAL CENTER AGENCIES  
PROPOSED ELIGIBILITY CRITERIA FOR CHILDREN  
BIRTH TO FIVE YEARS OF AGE  
FOR THE CALIFORNIA REGIONAL CENTERS  
FEBRUARY 2001**

California residents between the ages of birth and five years of age who have a developmental disability are eligible for Regional Center services as defined in the **Lanterman Developmental Disabilities Services Act** (Welfare & Institutions Code), § 4512(a) and in the California Code of Regulations (CCR), Title 17, § 54000. The Lanterman Act also provides that any infant having a high risk of becoming developmentally disabled may be eligible for initial intake and assessment services through the Regional Centers. The Lanterman Act defines “a high risk infant” as a child less than 36 months of age whose genetic, medical, or environmental history is predictive of a substantially greater risk for developmental disability than that for the general population. The Regional Centers also provide services for infants and toddlers from birth through two years of age who need early intervention services as defined in Part C of the federal **Individuals with Disabilities Education Act (IDEA)** and the **California Early Intervention Services Act** (Government Code §95000 et seq.) and CCR Title 17, § 52022 following assessment and evaluation. California’s Part C IDEA program is known as “Early Start”.

Eligibility for Early Start is based on the determination of *developmental delay*, *established risk conditions*, and *high risk*. Infants and toddlers are determined to have a *developmental delay* when there is a significant difference between the expected level of development for their age and their current level of functioning. This determination is made by qualified personnel, who are recognized by, or a part of a multi-disciplinary team, including the parents. Services are provided for infants and toddlers with developmental delay in one or more of the following five developmental areas: cognitive; physical and motor, including vision and hearing; communication; social or emotional; or adaptive. Infants and toddlers with *established risk conditions* of known etiology, or conditions with established harmful developmental consequences, that have a high probability of leading to a developmental delay and infants and toddlers who are at *high risk* of having a substantial developmental disability due to a combination of biomedical risk conditions are also eligible for Regional Center services under the California Early Start Program.

Eligibility for Early Start extends only until the child is three years of age. The California Early Intervention Services Act, § 95020(d)(8), requires that the Individual Family Service Plan (IFSP) address the steps to be taken to ensure the transition of the infant or toddler to other appropriate services upon reaching three years of age. Although the Early Start regulations focus on the transition process for children who may be eligible for preschool under Part B of the IDEA, the period beginning six months before the third birthday provides an excellent opportunity to plan a complete evaluation for children who may be eligible for ongoing Regional Center services based

upon a *developmental disability*. This transition should be completed by 36 months of age with a determination that the child (Status Code 1) is no longer eligible for Regional Center services or is eligible for ongoing services based on the finding of a developmental disability (Status Code 2).

In some instances it may be difficult to determine if the child has a developmental disability at age three years even after completion of comprehensive evaluations. Regional Centers may choose to continue to provide services for children after three years of age under the Status Code 1 until a determination of eligibility can be made. The Department of Developmental Services (DDS) does not consider these cases in its funding methodology for Regional Center Operations (OPs) allocations. There are also other instances when it is determined at three years of age that the child's cognitive functioning is low as compared to children of similar ages and the Regional Center may keep the case open under Status 2 with a diagnosis of MR, unspecified, with agreement by the multi-disciplinary team and discussion with the parents. In all these instances, the Individual Program Plan (IPP) should include a schedule for annual reassessment through age five years.

A comparison of eligibility for the California Early Start Early Intervention Services Act (Early Start) and the Lanterman Developmental Disability Services Act is attached for reference.

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