

First 5 Special Needs Definition

First 5 California defines children with special needs as having one of the following:

- **Children with identified disability, health, or mental health conditions requiring early intervention, special education services, or other specialized services and supports; or**
- **Children without identified conditions, but requiring specialized services, supports, or monitoring.**

First 5 California does not require counties to track the children under each category separately.

Operational Definitions:

Children with identified disability, health, or mental health conditions requiring early intervention, special education services, or other specialized services and supports

1. Children who are protected by the Americans with Disabilities Act (ADA).

Americans with Disabilities Act (ADA), Public Law 101-336. The ADA's protection applies primarily, but not exclusively, to individuals with disabilities. The term disability means, with respect to an individual:

- *Has a physical or mental impairment that substantially limits one or more of the major life activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working*
- *Has a record of such an impairment, or*
- *Is regarded as having such an impairment*

Examples of these impairments are: orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease.

2. Children who have, or are at-risk for a developmental disability as defined by the Individuals With Disabilities Education Act (IDEA) Part C (Early Start 0-3 years old) or have a specific diagnosis as defined by IDEA part B (3 years and above)

IDEA PART C: Children birth to 3 years with disabilities or who are at risk for a disability as defined by California Intervention Services Act (Early Start Program) eligibility:

- (1) Infants & toddlers with developmental delay in 1 or more of the following 5 areas: cognitive, physical/motor, communication, social/emotional, adaptive;*
- (2) infants & toddlers with established risk conditions (known etiology with established harmful developmental consequences);*
- (3) infants & toddlers who are at high risk of having substantial developmental disability due to a combination of biomedical risk factors*

[Title 14, California Early Intervention Services Act, Chapter 4, Section 95014(a)—the Lanterman Act]

***IDEA PART B:** Children 3 to 5 years of age with a disability as defined by the California Department of Education, Preschool Special Education eligibility:*

Having a disabling condition or an established medical disability, such as autism, deaf-blindness, deafness, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, serious emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, visual impairment, and established medical disability [California Education Code, Part 30, Chapter 4.45, section 56441.11(b)(1)].

3. Children that meet the DSM/ZERO TO THREE/California Infant, Preschool, and Family Mental Health Initiative definition or that meet the Federal Maternal and Child Health Bureau at the U.S. Department of Health and Human Services Special Needs definition

***DSM classifications:** mental retardation, learning disorder, communication disorders, pervasive developmental disorders (including autism and Asperger's syndrome), disruptive behavior disorders (including attention deficit disorder and oppositional defiant disorder), feeding and eating disorders, tic disorders, elimination disorders, and other disorders of infancy, childhood, or adolescence (including anxiety disorder and reactive attachment disorder).*

***MCH definition:** Those children who have or at risk for a chronic physical, developmental, behavioral or emotional condition and who also require health and related services of a type or amount beyond that required by children generally.*

Children without identified conditions but requiring specialized services, supports, or monitoring.

These children may not have a specific diagnosis but are children whose behavior, development and /or health affect their family's ability to find and maintain services.

For example, concerns may be in the area of behavior and social development, communicative development, cognitive development, physical/motor development, or in general development.

Note: The operational criteria are purposely broad. First 5 California assumes counties have an operational protocol for collecting and reporting data on children who fall into this category, using specific criteria which may include:

- *Provider who identifies the condition*
- *Duration of the condition*
- *Screening/assessment tools utilized to identify the condition*