



Connecticut Birth to Three System

Parent Rights

under IDEA Part C

For Families of
Infants and Toddlers
with Developmental
Delays or Disabilities

July 2013





What the Law Says

When a family has a baby with special needs, life may be more complicated than expected.

No one is more important to a child's development than the child's family. That is why the parent must stay in charge by knowing their rights under federal law. This booklet was written to help achieve that goal.

There is a federal law called the Individuals with Disabilities Education Act (IDEA) that governs special education for children with disabilities or developmental delays. Part C of this law covers services for infants and toddlers and guarantees certain rights, called procedural safeguards, for their families. Families' rights under IDEA begin from the point of referral to the Birth to Three System. Birth to Three does not discriminate on the basis of race, culture, religion, income level, or disability.

If you would like a complete copy of IDEA go to **www.birth23.org** and click on **About Birth to Three** and then on **Related Laws and Regulations** or call the Birth to Three Family Liaison for a printed copy. **Ph. 866-888-4188**



IDEA Gives Parents the Following Protections:

1. **The right to give informed written consent:**

A parent must give written permission before their child is evaluated, before services begin or are changed and before information about their child or family is shared with anyone else. Before being asked to make decisions or give written consent, a parent is given complete information and explanations about the program. Written consent may be cancelled in writing at any time.

2. **The right to receive notification in writing:**

Parents must receive written notice from their program before any evaluations or assessments can take place. In addition, written notice must be given within a reasonable time before any decisions are made about:

1. eligibility
2. Individualized Family Service Plan (IFSP) meetings
3. beginning or changing services
4. refusing services

3. The right to a coordinated Individualized Family Service Plan (IFSP):

A written plan, called an IFSP, is developed by a team to record the family's outcomes for themselves and their child. It lists the Birth to Three services that will best help reach those outcomes and it describes when, where, and how services will be delivered. Parents can choose to reject some types of service on the IFSP without affecting other early intervention services.

The parent and other family members work with the service coordinator and other providers (if appropriate) to create the IFSP. Parents may invite anyone they wish to their IFSP meetings, including an advocate. The IFSP is reviewed at least every six

months or sooner if requested. Parents are involved in planning the time, date, and place of these meetings to ensure their participation. Parents may request a review of their IFSP at any time, even if a review recently took place.



4. The right to receive services in natural environments:

Natural environments are more than the places where children live, learn, and play. Natural environments are the routine activities, or what children do, as they participate in their everyday life at home and in the community. Services are focused on the family's and child's daily routine and are designed to be carried out as part of regular activities. This helps caregivers learn strategies for teaching the child new skills that may be practiced throughout the day. When a service needs to be provided anywhere other than a natural environment, the IFSP team must provide written justification.



5. The right to confidentiality:

Access to any information that personally identifies the child or a family member is limited to selected Birth to Three staff or to state or federal auditors or accrediting agencies. Parents must agree in writing before information from their child's electronic or written records may be shared with anyone else.

6. The right to review and amend records:

Parents may ask to inspect and review their child's record at any time. The program has 10 days to comply with a request. After reviewing the file, parents may ask to make changes if they think anything is incorrect or to add information if they think the record is incomplete. If the program disagrees with a request to change the child's records, a parent may request a hearing to challenge the decision. Parents may receive one free copy of their child's record. A program may charge for additional copies.

7. The right to file a written complaint:

The quickest way to resolve a concern is to talk with a service coordinator, program director, or the Birth to Three family liaison. If a parent feels his or her rights have been violated or there has been a violation of the law, the parent may file a signed written complaint with the Director of Birth to Three. The address is: 460 Capitol Avenue, Hartford, CT 06106. A copy of the written complaint must also be sent by the parent to their Birth to Three program.

The Birth to Three System will investigate the complaint and respond in writing within sixty calendar days of the receipt of the signed complaint. While the disagreement is being resolved, the child will continue to receive early intervention services as detailed in the current IFSP unless the parents and service providers agree to make a change or when the child reaches his or her third birthday.

8. The process to resolve disputes:

Another way to resolve disagreements or notify Birth to Three that the law may have been violated is to request mediation or a hearing. Mediation allows you and your program's staff to talk about the details of your disagreement with an impartial, trained mediator. The mediator will work with you and your program to find a solution that suits both of you and then write up the terms of your agreement. You may also contact the family liaison to request a due process hearing. This is a more formal process conducted before an impartial hearing officer. Parents typically have an attorney representing them while the Birth to Three System would be represented by an Assistant Attorney General. Ask your service coordinator or the Family Liaison for a copy of **Mediation in Early Intervention Services** or another brochure called, **Due Process Hearings**, for more information. Again, any request for mediation or a hearing will not affect your family's services.





Questions?

For more information about your rights or to talk to someone about your concerns contact the Birth to Three Family Liaison or the Connecticut Parent Advocacy Center at the contact information below.

Birth to Three System

phone: 860-418-6136

fax: 860-418-6003

Family Liaison

460 Capitol Avenue

Hartford, CT 06106

Connecticut Parent Advocacy Center

phone: 860-739-3089

338 Main Street

Niantic, CT 06357



Central Office

460 Capitol Avenue

Hartford, CT 06106-1308

www.birth23.org

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