



## **Parent Rights under IDEA Part C**

For Families of Infants and Toddlers with  
Developmental Delays or Disabilities

January 2022

## WHAT THE LAW SAYS

When a family has a child 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 supports for families with infants and toddlers, and guarantees certain rights, called procedural safeguards. Families' rights under IDEA begin from the point of referral to the Birth to Three System at 211 Child Development. 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 the IDEA, visit [Birth23.org](https://www.birth23.org) and click on About Us and then on Related Laws and Regulations; or call us for a printed copy at **860-500-4400**.

# THE IDEA GIVES EACH PARENT THE FOLLOWING PROTECTIONS:



## 1. THE RIGHT TO GIVE INFORMED WRITTEN CONSENT:

A parent must give written permission before their child is evaluate; 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 canceled in writing at any time.

## 2. THE RIGHT TO RECEIVE NOTIFICATION IN WRITING:

A parent 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:

- eligibility
- Individualized Family Service Plan (IFSP) meetings
- beginning or changing services
- refusing services
- exiting Birth to Three

### **3. THE RIGHT TO A COORDINATED IFSP OR INDIVIDUALIZED FAMILY SERVICE PLAN:**

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 supports that will best help reach those outcomes and it describes when, where, and how Early Intervention Services (EIS) will happen. A parent can choose to reject some services on the IFSP without affecting the ones they agree to. A parent and other family members work with the service coordinator and other team members to create the IFSP.

A parent may invite anyone he or she wishes to the IFSP meetings, including an advocate. The IFSP is reviewed at least every six months or sooner if requested.

Since the focus of Early Intervention is what families do between visits, each parent is actively involved in scheduling the time, date, and place of visits and IFSP meetings.

A parent may request a review of the IFSP at any time, even if a review meeting was just held.

### **4. THE RIGHT TO RECEIVE SERVICES IN NATURAL ENVIRONMENTS:**

Natural environments are more than places where children live, learn, and play. Natural environments are all the activities and routines that children are part of during their everyday life at home and in their community. Each parent and their team come up with strategies together that can be carried out as part of those regular activities between Early Intervention (EI) visits. Making little changes and repeating them throughout the day helps children develop new skills. When a visit has to be completed anywhere other than the family's natural environment, the IFSP team must provide written justification in the plan.

## 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. A parent 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:

A parent may ask to inspect and review his or her Birth to Three record at any time. The program has 10 days to comply with a request. After reviewing the file, the parent may ask to make changes if he or she thinks anything is incorrect or to add information if 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. A parent may receive one free copy of their child's record. Programs may charge for additional copies.





## **7. THE RIGHT TO FILE A WRITTEN COMPLAINT:**

The quickest way to resolve a concern is to talk with the family's service coordinator, the program director, or the Birth to Three lead agency. 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 Office of Early Childhood (OEC) as the Birth to Three System lead agency. The complaint may be emailed to **[CTBirth23@ct.gov](mailto:CTBirth23@ct.gov)** or mailed to:

**Connecticut Birth to Three System  
450 Columbus Blvd., Suite 205  
Hartford, CT 06103**

A copy of the written complaint must also be sent to the Birth to Three program. It is best if it comes from the parent, but the lead agency can help if that would be preferred.

The lead agency will investigate the written complaint and will respond in writing within sixty (60) calendar days of receiving the complaint. While the disagreement is being resolved, the family can choose to continue to receive EI supports as detailed in the current IFSP unless the parent and team agree to change the plan.

## 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 a parent and program staff to talk about the details of the disagreement with an impartial, trained mediator. The mediator will work with the parent and program to find a solution that suits both and will write up the terms of the agreement. A parent may also contact the OEC to request a due process hearing. This is a more formal process conducted before an impartial hearing officer. A parent will typically have an attorney representing him or her, and the Birth to Three System will be represented by an Assistant Attorney General.

A copy of Mediation in Early Intervention Services or another brochure called Due Process Hearings will be made available upon request. For a copy, simply email [CTBirth23@ct.gov](mailto:CTBirth23@ct.gov) or call **860-500-4400**.



# QUESTIONS?

For more information about parent rights, first talk with the service coordinator, someone on the team, or a supervisor or director at the program. To talk with another parent, contact:

## CONNECTICUT PARENT ADVOCACY CENTER

860-739-3089

338 Main Street  
Niantic, CT 06357

[CPACInc.org](http://CPACInc.org) • [cpac@cpacinc.org](mailto:cpac@cpacinc.org)

A parent can also contact the Office of Early Childhood (OEC) as the Birth to Three lead agency for IDEA Part C at any time.

## CT OFFICE OF EARLY CHILDHOOD

860-500-4400

## BIRTH TO THREE SYSTEM

450 Columbus Boulevard  
Suite 205  
Hartford, CT 06103

[Birth23.org](http://Birth23.org) • [CTBirth23@ct.gov](mailto:CTBirth23@ct.gov)



This product was developed through funding provided by the U.S. Department of Education under the Individuals with Disabilities Education Act.