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## **1.0 PURPOSE AND SCOPE**

- 1.1.1. This procedure provides instructions to provide the rights and safeguards guaranteed to families under Individuals with Disabilities Education Act (IDEA) Part C and Connecticut Birth to Three System to ensure families understand their rights in all Early Intervention (EI) processes.


## **2.0 REFERENCES**

### **2.1 Associated Documents**

- 2.1.1. Dispute Resolution: Mediations and Hearings Procedure
- 2.1.2. Document Control and Records Procedure
- 2.1.3. Individualized Family Service Plan Procedure
- 2.1.4. Form 1-4, Consent to Conduct an Evaluation/Assessment
- 2.1.5. Form 1-6, Prior Written Notice
- 2.1.6. Form 3-1, Individual Family Service Plan (IFSP)
- 2.1.7. Form 3-2, Authorization for Programs to Obtain Information
- 2.1.8. Form 3-3, Authorization for Programs to Release Information
- 2.1.9. Form 3-4, Early Intervention Record Access Log
- 2.1.10. Parent Rights under Individuals with Disabilities Education Act (IDEA) Part C Brochure

### **2.2 Source Information**

- 2.2.1. Connecticut Birth to Three Procedural Safeguards Procedure, Effective July 1, 1996. Revised June 16, 2021.

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### 3.0 INSTRUCTIONS


#### 3.1 Parents Rights and Safeguards

**NOTE**

The federal and state laws and their regulations exists to ensure that families understand their rights in the Early Intervention (EI) processes.

##### 3.1.1. Service Coordinator(s) and Provider(s) **PERFORM** the following:

1. **ENSURE** families understand their rights in the Early Intervention (EI) process.
  - a. **EXPLAIN** each right in the context of the EI process.
2. **NOTIFY** families in writing using appropriate Birth to Three form, prior to performing actions affecting their child.
3. **ENSURE** families understand and consent to all activities and written records about their child.
  - a. **ASSURE** families that information about their child and family:
    - Is kept confidential.
    - They have access to that information.
4. **INFORM** families that they are permitted to accept **OR** decline services without jeopardy.
  - a. **SEE** procedures for resolving complaints for additional information.
5. **PROVIDE** families Connecticut Birth to Three System Parent Rights under Individuals with Disabilities Education Act (IDEA) Part C Brochure summarizing their rights:
  - a. Prior to initial evaluation/assessment.
  - b. Annually at a minimum.
  - c. Prior to exit, if the child is eligible and has an IFSP.
    - (1) **REFER TO** Individualized Family Service Plan Procedure, as needed.

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### 3.2 Explaining Parents Rights and Safeguards

3.2.1. **WHEN** performing any of the following with families:

- Processing paperwork
- Planning
- Providing services

**THEN** Service Coordinator(s) and Provider(s) **DISCUSS** the family's central rights and safeguards under IDEA Part C.

1. **REFER TO** Attachment 1, Step-by-Step Process for Explaining Rights to Parents, outlining process from referral through IFSP development and service implementation.
2. **ENSURE** families understand their options and rights to fully execute their decision-making authority as part of IFSP team.


### 3.3 Prior Written Notice

3.3.1. **PROVIDE** prior written notice for all actions in a reasonable time to parents prior to the Lead Agency or Early Intervention Service (EIS) Provider performing any of the following:

1. Proposes or refuses to initiate or change any of the following:
  - Identification of their infant or toddler
  - Evaluation of their infant or toddler
  - Placement of their infant or toddler
2. Provisions of Early Intervention Services to the infant or toddler with a disability and that infant's or toddler's family.
3. Initial eligibility evaluation to ensure infant or toddler will be able to attend.

3.3.2. **IF** child is **NOT** eligible for Birth to Three,

**THEN PROVIDE** family Form 1-6, Prior Written Notice.

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3.3.3. For families with children who are eligible for Birth to Three **PROVIDE** prior written notice to families using Form 1-6, Prior Written Notice as follows:

- In a reasonable amount of time prior to IFSP meeting.
- After IFSP meeting when family and team has determined which services are being proposed and start dates of services to ensure there is a reasonable amount of time before they begin.
- Prior to initial eligibility evaluation to ensure family's attendance.
- When Birth to Three proposes to exit a child from system for any reason, but may also have an occasion when program is unable to contact family about proposed change.
- In parents' native language or preferred mode of communication.


3.3.4. **ENSURE** families are aware of Form 3-1, IFSP signature page, which is an additional statement about prior written notice when a program proposes, or refuses to initiate or change Early Intervention Services.

1. Service Coordinator (s) **EXPLAIN** procedural safeguards to families that are on IFSP signature page as they establish start dates that are a reasonable amount of time before services begin.

3.3.5. **IF** program refuses to initiate services because family has **NOT** signed consent required paperwork,

**THEN COMPLETE** Form 1-6, Prior Written Notice, as follows.

1. **CHECK** all applicable actions on the form, that apply for:
  - Date
  - Time
  - Location
2. **LIST** reason for prior written notice if not evident on form.
3. **INCLUDE** how and when Form 1-6, Prior Written Notice, was provided to family in child's Early Intervention Record documentation.

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3.3.6. **IF** parent initiates an IFSP meeting,

**THEN:**

1. **KNOW** prior written notice is **NOT** required before IFSP meeting.
2. **DOCUMENT** the request in child's early intervention record.
3. **IF** possible,

**THEN SEND** Form 1-6, Prior Written Notice via:

- Fax
- Email
- US Postal Service mail

**3.4 Native Language or Preferred Mode of Communication**

3.4.1. **PROVIDE** child's information and written records to family in their native language or preferred mode of communication, including, but not limited to:

- Braille
- American Sign Language
- Orally
- Language other than English

**NOTE**

Offering the following services allows the families to become an informed team member and decision maker.


3.4.2. **PROVIDE** interpreter and/or translation in the native language of the family or other mode of communication used by the family unless it is clearly not feasible to do so (§ 303.342).

3.4.3. **IF** a family does **NOT** read,

**THEN PROVIDE** written information orally and **DOCUMENT** how information was provided.

**3.5 Written Consent**

3.5.1. Birth to Three Program **OBTAIN** written consent using Form 1-4, Consent to Conduct an Evaluation/Assessment, from parent prior to conducting initial evaluation **OR** assessment.

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3.5.2. **IF** parent does **NOT** provide consent,

**THEN** Service Coordinator (s) **ENSURE** parent understands the following:

1. Is aware of the nature of evaluation/assessment,
2. By **NOT** consenting to developmental evaluation of the child, the child will **NOT** receive evaluation/assessment or services.
3. Family assessments are voluntary.

3.5.3. **WHEN** a family declines a family assessment,

**THEN** Service Coordinator (s):

1. **DEVELOP** an Individualized Family Service Plan (IFSP).
2. **PROVIDE** services agreed upon by IFSP Team.
3. **DOCUMENT** the decline in child's record.


**NOTE**

Written consent is required for evaluations and assessments subsequent to the initial evaluation/assessment.

3.5.4. Before initiating support and services, **OBTAIN** written consent using Form 3-1, IFSP, Section 8, for all evaluations/assessments.

1. **ENSURE** parent initials box A or B.
2. **IF** consent is **NOT** given,

**THEN** Service Coordinator **ENSURE** parent understands by withholding consent of IFSP, the child will **NOT** receive services.

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### 3.6 Confidentiality, Release of Information, and Examination of Records

3.6.1. **ENSURE** compliance with all federal and state laws regarding a child's early intervention record's:

- Confidentiality
- Content
- Review
- Destruction
- Accessibility

3.6.2. **INFORM** parents of who will have access to their child's record, at their request.

1. **INCLUDE** job titles with names.


3.6.3. **ALLOW** program employees and subcontractors access to records necessary, at any time, to:

1. Perform tasks related to their job description.
2. Provide a service to the family and child.

3.6.4. **MAINTAIN** Form 3-4, Early Intervention Record Access Log for ease of obtaining signatures.

1. **ALLOW** program employees and subcontractors access to records without signing Form 3-4, Early Intervention Access Log.
2. **ENSURE** the following individuals seeking access to the record sign Form 3-4, Early Intervention Record Access Log, including but not limited to:
  - Lead Education Agency (LEA) (with parent consent)
  - Authorized representatives of the U.S. Department of Education
  - Department of Social Services
  - Department of Developmental Services
  - Center for Medicare Medicaid Services (CMS)
  - Accrediting organizations
  - Persons investigating allegations of abuse of neglect



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3.6.5. **ADHERE** to and **RESPECT** confidentiality of infants/toddlers and their families by:

1. **OBTAIN** parental permission using Form 3-3, Authorization for Programs to Release Information, prior to sharing a family's or child's personally identifiable information with any outside agency or person.
2. **UNDERSTAND** through agreement with State Department of Education's Child Find responsibilities, directory information of children enrolled in Birth to Three is automatically shared through Birth to Three data system when the child reaches 2 years, 6 months of age.
3. **OBTAIN** parental permission using Form 3-2, Authorization for Programs to Obtain Information, prior to providing personally identifiable information concerning children or their families to outside agencies, including:
  - a. Outside agencies and individuals NOT listed as an Early Intervention Team member in the Individualized Family Service Plan (IFSP), Section 7.
  - b. Information provided written or verbally.
4. **OBTAIN** written consent using Form 3-2, Authorization for Programs to Obtain Information, prior to using a child as a subject of:
  - Study
  - Paper
  - Education course
5. **OBTAIN** parental permission using Form \_\_\_\_\_, prior to taking photo for media presentation.

3.6.6. **INFORM** and **PERMIT** parents of their right to:

1. Review their child's record at any time by written request, and
2. Request copies of anything in the record.

3.6.7. **REFER TO** Document Control and Records Procedure for additional information.

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### 3.7 Accepting or Declining Services without Jeopardy

3.7.1. **ENSURE** parents understand their right to:

1. Accept **OR** decline any Early Intervention Service (EIS).
2. Decline a service after first accepting it without jeopardizing other EIS.

3.7.2. **IF** parents initially decline a service and decide differently later,  
**THEN ALLOW** parents to provide consent at that time.

3.7.3. **LOCATE** parents decision to accept **OR** decline some or all services on their completed Form 3-1, Individualized Family Service Plan (IFSP), as follows:

- Option A indicates parent accepts services as written in.
- Option B indicates parent declines some or all services and which if any services may begin.

3.7.4. **ENSURE** parents are aware of statement located above Parent Signature in the IFSP, indicating the family's rights to take action if team cannot come to a decision within one months time.

1. **IF** family requests mediation **OR** a hearing,  
**THEN CONTINUE** to provide services listed in previous Form 3-1, IFSP while dispute is being resolved.

3.7.5. **IF** a parent refuses to sign their Form 3-1, IFSP giving consent for any service to begin,  
**THEN USE** and **PROVIDE** Form 1-6, Prior Written Notice, to parents explaining the reasons why program is unable to initiate services.


### 3.8 Procedures for Resolving Complaints

3.8.1. **IF** either of the following criteria are met:

- Family and early intervention team do **NOT** agree on eligibility, plans, or services.
- Family has complaints about their experience with Birth to Three system or program.

**THEN REFER TO** the following procedures:

- Complaints Procedure
- Dispute Resolution: Mediations and Hearings Procedure

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3.8.2. **ENSURE** parents are aware of their rights to submit informal and formal concerns with their team.

1. **IF** informal steps do **NOT** satisfy parents concern,

**THEN INFORM** parents of the more formal steps to take that include:

- Written complaints
- Mediations
- Hearings

2. **ENSURE** any formal written complaints are received within one year of the date of the last incident the complaint took place in order to be considered by Lead Agency.

### 3.9 Annual Notice of Rights

3.9.1. Early Intervention (EI) Programs and Service Coordinator (s) annually **NOTIFY** families of their rights using the Parent Rights Under Individuals with Disabilities Education Act (IDEA) Part C Brochure.

1. **DISCUSS** the Parent Rights Under IDEA Part C Brochure with families, instead of just handing it to them.

2. **ENSURE** to document that parents received a copy of the Parent Rights Under IDEA Part C Brochure on the Individualized Family Service Plan (IFSP).


3. **REFER TO** Birth to Three website under Especially for Families/ Parent Rights for brochure in various languages.

- [www.birth23.org](http://www.birth23.org)

**END of Instructions**

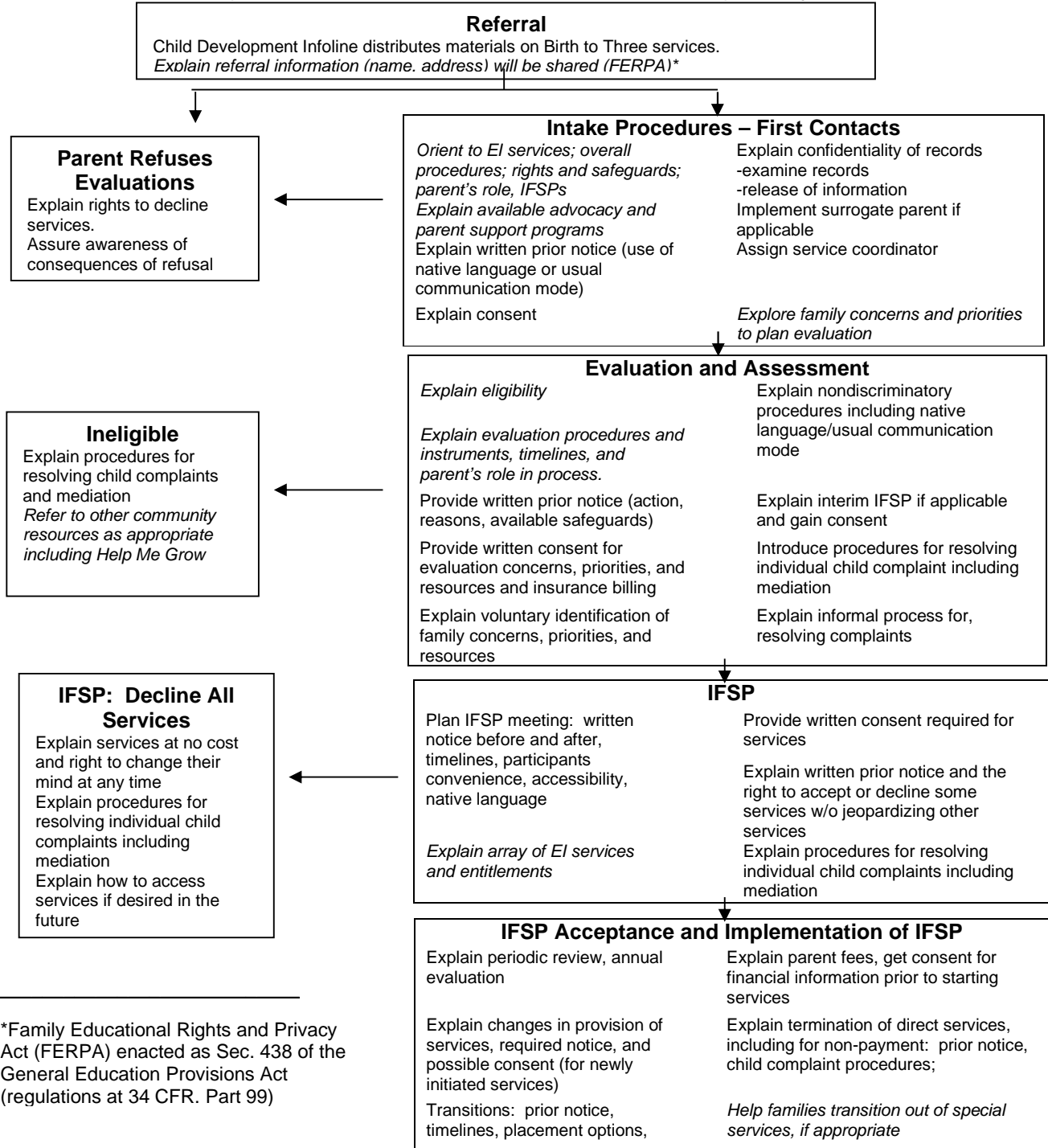
### 4.0 REVISION HISTORY

Location	Description of Change
All	New Human Factored Procedure In New Template

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### Attachment 1, Step-by-Step Process for Explaining Rights to Parents

*Text in italics indicates practices that are recommended but are not required by law.*



\*Family Educational Rights and Privacy Act (FERPA) enacted as Sec. 438 of the General Education Provisions Act (regulations at 34 CFR. Part 99)

Adapted from Hurth, Joicey & Goff, Paula: “Assuring the Family’s Role on the Early Intervention Team” NEC\*TAC June 2002