



## **A Family Rights Handbook: *Assuming a full and active role in early intervention***

### **To the Family:**

Our goal in EarlySteps is to support your family in meeting your child's needs as soon as possible to help your child develop for the future. When your child is eligible for services in EarlySteps, your family is also entitled to certain rights designed to protect your child and family during your participation in the system. All families served by EarlySteps are guaranteed these rights; these rights are required by federal and state laws, regulations, and policies and are called *Procedural Safeguards*. For more information about these Procedural Safeguards, please review Chapter 2 of the EarlySteps Practice Manual. In addition to the details regarding your rights, the chapter provides the references to the laws and regulations which determine your rights.

The purpose of this handbook is to provide you with your family's rights in the following areas:

- **Right to Written, Prior Notice**
- **Right to Written, Informed Parent Consent**
- **Right to Confidentiality of Information**
- **Right to Review Records**
- **Right to Resolve Disputes**
- **Child's Right to a Surrogate Parent**

EarlySteps also provides other safeguards, which are also described in this handbook:

- Evaluation and Assessment provided at no cost
- Services provided in the natural environment according to an Individualized Family Service Plan within 45 days of referral
- Services begin no later than 30 days from signed consent on the IFSP
- Right to decline evaluation and services
- Freedom of choice in provider selection
- Use of public (Medicaid) or private benefits or insurance or notice of costs for early intervention services

In addition, there are definitions of some of the terms used in this handbook at the end. These terms are shown in *italics* in the document.

### **Written, Prior Notice**

Parents must receive written, prior notice before the agency or service provider:

- proposes or refuses an activity such as developmental screening, evaluation, or early intervention services
- changes the identification, evaluation, or placement of your child
- changes the provision of early intervention services
- uses your child's Medicaid to pay for early interventions services or charges your family for IFSP services
- suspends services for which family cost is assigned after 120 days of nonpayment.
- releases any information about your child or family to others

This notice must inform the parent of the action(s) being proposed or refused and the reason(s) for the action(s) before the action is taken, the safeguards and the process for filing a complaint if you do not agree. EarlySteps uses a form/letter called a **Notice of Action** for any such action(s). A copy of this **Family Rights Handbook**

**must** be provided with the notice. The notice is written in a way that is understandable to the general public and provided in your *native language*, unless it is clearly impossible to do so.

## Parent Consent

Written parental consent must be obtained before:

- conducting developmental screening, an initial evaluation and assessment.
- before providing any early intervention services.
- deciding that your child is not eligible for early intervention
- releasing confidential information about your child or family to others
- using your child's Medicaid to pay for services or before IFSP service costs are assigned to your family.

Parents may choose not to give consent for any particular activity or service without jeopardizing any other services, and they may refuse a service at any time, even after accepting it, without affecting other intervention services. The exception to this right regarding refusing a service is service coordination, which is a required service in EarlySteps.

*Consent* means that you have been fully informed of all the information about the activity for which consent is sought. Consent also means that you understand and agree in writing to the activity for which consent is sought and the consent form describes that activity. Consent describes the activity(s) and must also list the specific records that will be released and to whom. Your written consent is voluntary and can be revoked at any time. If you do not give consent, EarlySteps will make sure that you:

- are fully aware of the nature of the evaluation and assessment or the services that would be available to you
- understand that your child will not be able to receive the evaluation, assessment or other services unless consent is given.
- Understand that costs are assessed for services if you do not give consent to use your child's Medicaid to pay for early intervention services. You will also be asked for your consent before you are charged for any early intervention services. If you do not provide consent to use your child's Medicaid, EarlySteps will make available, those Part C services for which you have provided consent.
- Your family will have no costs associated with using your child's Medicaid to pay for early intervention services.

## Confidentiality of Information

EarlySteps must receive your written consent to share information which identifies your child or family with *participating agencies*. Directory information (child's name, parent's name, address and phone number) may be released to participating agencies without parent consent as authorized by the Family Educational Rights and Privacy Act (FERPA), Section 99.31. This release of directory information includes the release to the Community Outreach Specialists, individuals who work under contract with the lead agency to provide supports and services to parents whose children are enrolled in EarlySteps, and notification to the Louisiana Department of Education and the local education agency prior to your child reaching his/her 3<sup>rd</sup> birthday.

EarlySteps is required to tell parents about the policies and procedures that ensure that information is kept confidential. A summary describing how information is maintained, types of information collected from others,, the methods used in gathering the information), and the uses of the information is provided to you. Participating agencies must have policies and procedures regarding:

- How the information is collected, stored, shared and destroyed. How one person in the agency is responsible for ensuring confidentiality
- How staff are trained on the requirements of IDEA and FERPA
- The list of names and positions of the agency's employees who have access to the information
- The destruction of the information when it is no longer needed and that it must be destroyed at your request.
- Which information is kept as a permanent records: name, address, phone number, etc.

Financial information provided by your family for purposes of determining cost participation is also maintained and treated according to these confidentiality requirements.

## Record Review

Parents are allowed to inspect and review any records relating to your child and family including evaluations/assessments, IFSPs, etc. The records will be provided as soon as possible before any meeting regarding an IFSP or a dispute but in no case later than 10 days after the request.

Parents may also request explanation/interpretation of the early intervention record and have the right to a response from the participating public agency/service provider to reasonable requests for explanations and interpretations of the records. The agency must comply with the request without unnecessary delay and before any meeting regarding an IFSP or any hearing, and in no case more than 45 days after the request has been made.

Parents also have the right to request that the public agency/service provider furnish copies of the records containing the information and the right to have a representative inspect and review the records. The agency may charge a fee for copies of requested records unless the fee would prevent you from exercising your right to inspect and review the records.

The agency must keep a written record of the individuals that have access to the child's early intervention record. This record of who has reviewed the record includes the name of the individual, the date the record was reviewed, and the purpose for the review. This record of access is maintained in the child's early intervention record.

If the early intervention record includes information on more than one child, the parents of the other children have the right to inspect and review only that information relating to their child or to be told of that specific information.

Public agencies must provide parents a list of the types and locations of the early intervention record collected, maintained, or used by the agency if the parent requests such information.

Parents may ask that records be amended. The System Point of Entry (SPOE) must decide whether to amend the information as the parent requested within a reasonable period of time of the receipt of the request; and, if the SPOE refuses, the SPOE must inform the parent of the refusal and advise the parent of the right to a hearing.

If, as a result of such a hearing, the information is found to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the SPOE will change the information and so inform the parent in writing. However, if the information is not found to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the public agency will inform the parent of the right to place a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency in the child's record.

If the SPOE places a statement in the early intervention records of the child, the SPOE shall:

- (1) Maintain the statement with the contested part of the record for as long as the record is maintained;  
and
- (2) Disclose the statement whenever it discloses the portion of the record to which the statement relates.

## Dispute Resolution

EarlySteps has procedures in place to resolve any disputes regarding the implementation of the early intervention system. If any person or organization believes that an agency, provider or other person has violated any state or federal regulation implementing Part C of the IDEA, you may request timely resolution of your concerns. EarlySteps uses the following procedures to resolve your concerns: individual child complaint procedures, mediation, and due process hearings.

## COMPLAINTS

### Initiating Formal Complaints

Parents, service providers, advocates, support coordinators, members of the SICC, or employees of public agencies may file an individual complaint. A complaint **must** be in writing (a parent may call in a complaint and it will be set down in writing) and **must** contain the following information:

- A statement that the State has violated a requirement of Part C of IDEA or the regulations

- relating to the identification, evaluation, or placement of the child;
- The facts describing the alleged complaint;
- The name, address, and phone number of the complainant and any applicable identifying information regarding the involved child, including available contact information.
- A proposed resolution to the problem.
- The complaint must be made to the appropriate human services district/authority, or regional coordinator, and the complainant will have the opportunity to submit additional information either orally or in writing.
- The parent will be required to sign the complaint, once written and a copy will be forwarded to subject of the complaint.

When the complaint is received by EarlySteps, the following steps will take place:

- it will be assigned to a regional coordinator or to central office staff to investigate.
- Information will be collected about the incident or action including records or interviews with the complainant or the subject of the complaint
- a decision will be made regarding the resolution of the problem and discussed with the complainant.
- The complainant will receive a letter that the complaint has been received and is being investigated.
- The complainant is offered an opportunity to submit additional information either orally or in writing, including a potential resolution to the complaint,
- The person against whom the complaint is being made will have an opportunity to respond to the complaint including offering a potential resolution to the complaint
- Information will be collected by the investigator and reviewed with the EarlySteps central office
- The complainant will be offered an opportunity to participate in mediation
- A determination will be made as to the status of the violation and a decision will be made
- Once the complaint is resolved, the complainant will receive a letter outlining the activities taken and the final status of the complaint.

The alleged violation must have occurred not more than one year before the date that the complaint is received by EarlySteps unless a longer period is reasonable because the alleged violation continues for that child or other children;

IDEA regulations require that a written decision regarding a complaint must be made within sixty (60) calendar days of the receipt of the complaint. EarlySteps follows OCDD's complaint process which requires resolution of the complaint in 15 days. The final decision letter will be mailed to the complainant. The decision letter will include the findings and conclusions and the rationale for the decision.

## TIMELINES

In resolving a complaint in which it finds a failure to provide appropriate services, The Louisiana Department of Health (LDH) **must** address how the denial of those services will be remedied-- including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child and the child's family and appropriate future provision of services for all infants and toddlers with disabilities and their families.

If a written complaint is received that is also the subject of a due process hearing (see explanation of due process hearing in section which follows) or contains multiple issues, of which one or more of the issues are part of that hearing, LDH must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved within the 60-calendar-day timeline using the complaint procedures described above. An extension to the timeline may be granted if exceptional circumstances exist and the parent or individual, lead agency, and/or provider involved agree to the timeline extension. Timeline extensions will also be granted if mediation is used and all parties agree to extend the time to engage in mediation.

LDH/LDH The table below shows the typical types of complaints received by EarlySteps and the types of information collected to investigate and resolve the complaint:

Type of Complaint	Information Collected	Information Source	Responsible Party	Typical Results of a Complaint
<b>Explanation of Benefits (EOB)—</b> IFSP requirements not met.	Progress Notes Claims/Payment records	Early Interventionist	Regional Coordinator Central Office	New provider selected Payments recouped Corrective Action developed Provider sanctioned/ disenrolled Credit issued to family
<b>Other Service Related Complaints—</b> for example, provider is always late without notice to family	Progress Notes Eligibility Documentation IFSP IFSP Revisions Related Data Provider summary of action/behavior	Early Interventionists Family Community member	Regional/Central Office	New provider selected Payments recouped Corrective Action developed Provider sanctioned/disenrolled Credit Issued
<b>Complaints regarding disputes between providers</b> incorrectly shares information about another provider	Progress Notes Eligibility Documentation IFSP IFSP Revisions Related Data Provider summary of action/behavior	Early Interventionists Family Community member	Regional/Central Office	New provider selected Payments recouped Corrective Action developed Provider sanctioned/disenrolled
<b>Complaints regarding eligibility determination—</b> Family disagrees with team decision	Eligibility evaluation Other intake/assessment information Progress notices	IFSP team information collected	Regional/Central Office	-Review of information results in agreement -Family selects new evaluator and new evaluation conducted -additional information collected and informed clinical opinion used to determine eligibility

## MEDIATION

Mediation and Due Process are two additional methods used in resolving complaints about the early intervention services or the State's inability to meet IDEA, Part C requirements or to not adequately supervise the program.

**What is Mediation?** Mediation is a process in which an impartial person helps parties in conflict resolve a dispute and find a solution, through a settlement or compromise satisfactory to all parties. Individuals trained as mediators facilitate this process. Mediation can be made available to resolve any dispute. In LDH, mediation may also be called an *Administrative Conference*.

Both parties involved in the dispute will be offered the opportunity to use mediation to resolve a complaint. This is voluntary and does not take away the parent's right to a due process hearing. Mediation services are at no cost to either party. The mediator will be a qualified and impartial mediator, trained in effective mediation techniques and who is knowledgeable in laws and regulations relating to the provision of early intervention services. The mediation session or conference will be scheduled at a location and time mutually agreed upon by the parties. A lay advocate or legal counsel may accompany either party. The mediation sessions may also be held by telephone.

All discussions held during the mediation are confidential and cannot be used later as evidence in a subsequent due process hearing or civil action. Parties may be required to sign a pledge of confidentiality before the mediation process begins. Mediation must be scheduled within 5 calendar days of the request completed within 30 calendar days of the decision to mediate. The agreements reached through mediation must be presented in a written mediation agreement to both parties.

You may be offered mediation by OCDD or you may request mediation in person, in writing, or by telephone, by contacting the EarlySteps Program Manager at 225-342-0095.

## DUE PROCESS HEARING

**What is a Due Process Hearing?** Due Process is an administrative hearing where an impartial individual presides. This hearing provides the family of an individual child with the opportunity to challenge decisions made by EarlySteps. After hearing evidence from both the family and the appropriate EarlySteps representative, the hearing officer renders a binding decision. In LDH, a due process hearing is also called an *appeal or fair hearing*.

Due process hearings are conducted by a hearing officer or an administrative law judge with the Division of Administrative Law LDH. This law judge is knowledgeable of the needs of and services for infants and toddlers and the provisions of IDEA-Part C. There are 3 ways to initiate a due process hearing,

1. a written request for a due process hearing with a statement of your concerns must be submitted to the EarlySteps Program Manager in person, by telephone or by mail. Or you may mail the request directly to the Division of Administrative Law Health and Hospitals Section. You may call the Administrative Law's Health and Hospitals section at (225) 342-5800.
2. Families can now appeal LDH decisions online at the Division of Administrative Law (DAL) website. The DAL Health and Hospitals Section page includes an [Appeal Request Form](#) that can be completed and submitted electronically. Instructions are given below on how to use it. Please send this information to all interested parties. DAL suggests that these instructions be included in the appeal rights section of LDH's notice of decision. To access the electronic [Appeal Request Form](#):
  - a. Go to the Health and Hospitals Section of the DAL Website:  
<http://www.adminlaw.state.la.us/HH.htm>
  - b. Click on the Appeal Request Form link that says: **Click Here to fill out the Appeal Request Form**.
  - c. Complete the Appeal Request Form.
  - d. After completion,
  - e. A. attach the notice you are appealing as follows:
    - (i) scan it into your computer or other electronic device,
    - (ii) click "browse" at the bottom right of the webpage,
    - (iii) (iii) select the notice, and
    - (iv) (iv) click **Send Form** at the bottom left of the webpage;
  - f. **OR** if you do not have the notice you are appealing or you cannot scan the notice, then click **Send Form** at the bottom left of the webpage.

- The due process hearing will be held at a time and place that is reasonably convenient to you.
- At the hearing you may be accompanied and advised by counsel and by individuals with special knowledge or training in early intervention services for children with disabilities.
- At the hearing you may present evidence and confront, cross-examine, and compel the attendance of witnesses.
- At the hearing you may prohibit the introduction of evidence that has not been disclosed to you at least five days prior to the hearing.
- A record of the proceedings will be maintained. You have the right to an electronic verbatim transcription of the proceedings at no cost
- The hearing officer will listen to the presentation of the parties involved, request and examine relevant information, and reach a timely resolution
- You will receive findings of fact and reasons for the decision in writing and at no cost within 30 calendar days.
- After deleting any personally identifiable information, EarlySteps will share the details and results of the due process hearing to the Interagency Coordinating Council, OSEP, and post to them its website so that the findings are available to the public

If you do not agree with the decision, you may ask for a judicial review within 30 days of the appeals decision. If either party disagrees with the findings and final decision, they have the right to bring civil action. This action may be brought in a state or federal district court.

During these proceedings, unless otherwise agreed to by you and the agency, your child will continue to receive the early intervention services that were being provided at the time you made the request for the due process hearing. If the complaint involves an application for initial services, your child must receive those early intervention services that are not in dispute.

These dispute resolution processes can also be used if a parent feels that Medicaid eligibility or Medicaid services were denied incorrectly

Every year, EarlySteps reports on its success in resolving complaints, mediations, and due process hearings. Since 2007, the state has had 100% resolution of complaints according to IDEA, Part C requirements.

## **Child's Right to a Surrogate Parent**

If a child is a ward of the state or does not have a parent that can be identified or found, or does not have a "person acting as a parent", a person will be assigned to act as a Surrogate Parent for the child. A Surrogate Parent may represent the child in all matters related to the evaluation and assessment of the child, the development and implementation of the IFSP, including annual IFSP evaluations and periodic reviews, the ongoing provision of early intervention services to the child, and any other rights established under IDEA-Part C. A Surrogate Parent has the same rights as a parent for all responsibilities in early intervention.

Anyone can inform an Intake Coordinator (IC) or a Family Support Coordinator (FSC) that a Surrogate Parent may be needed. . The person selected must meet the following requirements:

- No conflict of interest regarding the child represented,
- Knowledge and skills that ensure adequate representation of the child,
- Is not an employee of any state agency or a person or an employee of a person providing early intervention services to the child or to any family member of the child,
- Resides in the same general geographic area as the child, whenever possible,

## **Other Procedural Safeguards in EarlySteps:**

### Evaluation/Assessment

EarlySteps ensures that all eligible children will receive early intervention services without regard to race, culture, religion, disability, or ability to pay. Eligibility is decided by an evaluation of the child (within 45 days of referral). Information from at least two or more qualified professionals is gathered about your child's medical history, development, and current abilities is examined. This is the multidisciplinary evaluation to determine eligibility. If there is a need for more information, you will be informed about this. This additional information gathering does not change the 45-day timeline that EarlySteps must meet to have a plan in place for your child if eligible. If you do not consent in writing to this evaluation to determine eligibility, your child and family will not receive the evaluation, assessment and early intervention services provided by EarlySteps. If the child is eligible for services, the child and family also have the right to ongoing assessments of the child's strengths, skill levels, progress, and needs. The evaluation is available to you at no cost.

### Individualized Family Service Plan (IFSP)

Within 45 days of the referral, each eligible child and family must have a written Individualized Family Service Plan (IFSP) for providing early intervention services that includes the family's concerns, priorities, and resources for their child. Information from you about your child is critical to EarlySteps for making good decisions in developing outcomes in the IFSP. The IFSP is written for a year and is reviewed at least every six months. It includes the major outcomes for the child and family, how progress will be measured, what and where services will be provided, when they will begin and for how long, methods of payment, if any, and transition at various times throughout the process and upon the child's third birthday. You have the right to be invited to and participate as a team member in all meetings in which a decision is expected to be made regarding your child. You have the right for your child to receive early intervention services in *natural environments* to the extent appropriate to meet your child's developmental needs. Services must begin no later than 30 days from the time you sign consent for services.

### Freedom of Choice

Louisiana assures that families have freedom of choice in the selection of an available service coordination agency and/or other service providers and the right to change providers or service coordinators.

EarlySteps will offer families a provider choice list using the service matrix for service coordination and other service providers. Families are asked to sign a Provider Selection Form which verifies that they have been offered a choice and who their selected provider is.

### Notice related to Cost Participation

1. Some EarlySteps services are available to families at no cost. These include:
  - Activities related to identifying children who may be eligible for EarlySteps (also called Child Find Activities)
  - Costs associated with the evaluation and assessment of a child for eligibility determination and IFSP program planning
  - Activities related to the development, review, and evaluation of IFSPs
  - Activities related to implementation of procedural safeguards
  - Part C services in the IFSP, consented to by the parent, when your family meets the definition of “inability to pay”
2. The following will also be reviewed with you regarding FCP:
  - The FCP table will be reviewed with you as well as the process to reduce your FCP contribution if charges create a barrier or financial hardship
  - Documentation requirements regarding proof of income will be reviewed
  - Your right to refuse to provide proof of income, however, the full cost of services will be charged according to the service rate schedule
  - Your right to participate in dispute resolution regarding assessed costs and use of Medicaid to pay for services
  - Your inability to pay will not result in a delay or denial of services. If your family meets the EarlySteps definition of “inability to pay,” all early intervention services will be provided at no cost
  - Your right to have all financial information treated and maintained according to confidentiality requirements.
  - Notice that IFSP services for which family cost has been determined will be suspended after 120 days of nonpayment.

### **To Find Out More About Parents’ Rights, Opportunities & Responsibilities:**

**Contact your local System Point of Entry office, your Family Support Coordinator, and/or Chapter 2 of the EarlySteps Practice Manual at <http://www.earlysteps.louisiana.gov>.**

**To make a complaint, call your HSA/D (LDE) office or your regional coordinator in the region where you reside. The SPOE office and FSC Agency office have these numbers. The regional offices can also be located on the EarlySteps website above.**

### **Definitions**

**IDEA:** Individuals with Disabilities Education Act

**Complainant:** is the person who makes a complaint.

**Consent** means that you have been fully informed of all the information about the activity for which consent is sought. Consent also means that you understand and agree in writing to the activity for which consent is sought and the consent form describes that activity. The form must also list the specific records that will be released and to whom. Your written consent is voluntary and can be revoked at any time.



**Directory information**-list of names, addresses, contact information provided to the Louisiana Department of Education to assist in providing information regarding transition to IDEA preschool services.

**Native language** means the language or mode of communication normally used by the parent. If a family uses another method of communication, such as sign language or Braille, then they have the right to receive information in that way. If the native language or other mode of communication used by the parent is not a written language, the notice will be translated orally into the native language or provided by other means (such as by an interpreter for the deaf) if other mode of communication is the native language of the parent. The notice will be provided in the native language so that the parent understands the notice. The provision of the notice in the native language is documented.

**Natural environment** means settings, including the home, that are natural or normal for children who are your child's age and who do not have a disability.

**OCDD** is the Office for Citizens with Developmental Disorders. This office is part of the Louisiana Department of Health and is the lead agency for EarlySteps.

**Participating agency** means any individual, agency or institution which collects, maintains, or uses personally-identifiable information, to implement IDEA, Part C requirements or from which information is obtained under IDEA-Part C. May include the lead agency, early intervention providers, FSCs, etc. It does not include referral sources, or other public agencies such as the Department of Education.

**Personally-identifiable information** means information that includes name, address, any personal identifiers or a list of any personal characteristics that would make it possible to identify you child with reasonable certainty.

**Procedural safeguards** are legal protections to protect rights in dealing with agencies and providers of early intervention services.

## References:

Hurth, JL and Goff, P (2002) *Assuring the family's role on the early intervention team: Explaining rights and safeguards* (2<sup>nd</sup> edition). Chapel Hill, NC: National Early Childhood Technical Assistance Center.

*Notice of Child and Family Safeguards in the Infant & Toddler Connection of Virginia*, Part C Early Intervention System. December, 2002.

*Family Rights Handbook*, Department of Health and Senior Services (DHSS), Lead Agency for New Jersey's Early Intervention System, revised October, 2009.

## **Understanding Procedural Safeguards: Summary of Family Rights Implications for Families**

### **Prior written notice (34 CFR§303.404 and 303.420-.421)**

EarlySteps must give you advance written information about screening, evaluations, services, or other actions affecting your child. Parents know their children best. The information you share with us will make sure that the evaluations and services are right for you. The "paper work" assures that you get all the details *before* any activity.

### **Use of parent's native language or preferred mode of communication (34 CFR§.25 and .421)**

It is your right to thoroughly understand all activities and written records about your child. If you prefer another language or way of communicating (explain relevant option, such as Braille, sign language, etc.), we will get an interpreter (use your mode of communicating), if at all possible. EarlySteps wants you to understand so that you can be an informed team member and decision-maker.

### **Parent consent (34 CFR §303.414 and .420)**

EarlySteps needs your permission to take any actions that affect your child. You will be asked to give your consent in writing before we evaluate or provide services. Be sure you completely understand the suggested activities. By being involved, you can help EarlySteps plan services that match your family's preferences and needs. EarlySteps will explain what happens if you give your consent and if you do not give your consent.

#### **Parent Consent and ability to decline services (§.420)**

With the other members on your child's early intervention team, you will consider which services can best help you accomplish the outcomes that you want for your child and family. You will be asked to give your consent by signing for those services that you want. You do not have to agree to all services recommended. You can say no to some services and still get the services that you do want. When you decline a service, any impact on your decision will be explained. If you decide to try other services at a later date, you can give your consent then. You may also refuse consent for services for which you may be charged for cost participation. In this case, services will only be provided when you provide consent.

### **Confidentiality (34 CFR§303.401-.402)**

EarlySteps values the information you and other service and health care providers have learned about your child. We will ask others for this information, but we need your written permission to do so. Just as the early intervention program needs your permission to get your child's records from other providers, the records that the early intervention program will develop will not be shared with anyone outside the early intervention program unless you give your permission. EarlySteps will assure your records are kept private.

### **Access to records (34 CFR§303.405-410)**

The early intervention record is your child's early intervention record. You can see anything in the early intervention program's records about your child and family. If you do not understand the way records are written, the information in the child's record will be explained to you in a way you understand. You are a team member and we want you to have the same information as other team members. You can request copies of records and you can request changes to records.

## **Dispute Resolution (34 CFR§303.430)**

If you and the early intervention team do not agree on plans, services, or payments, or if you have other complaints about your experience with the program, there are three ways of resolving your concerns quickly in EarlySteps:

### **Complaints (34CFR§303. 432)**

If informal ways of sharing your concerns with your team and the early intervention program don't work, you may file a complaint by calling the regional Human Services District/Authority office. Your complaint will be investigated and a resolution offered.

### **Mediation (34CFR§303.431)**

Mediation will be also be offered. A trained, impartial mediator will facilitate problem-solving between you and EarlySteps. You may be able to reach an agreement that satisfies you both. If not, you can go ahead with a due process hearing to resolve your complaint. Mediation will not slow down the hearing process. Airing and solving problems can improve communication and make programs stronger.

### **Due process procedures (34CFR§303.435-438)**

A due process hearing is a formal procedure that begins with a written complaint. The hearing will assure that a knowledgeable and impartial person called an administrative law judge, from outside the program, hears your complaint and decides how to best resolve it. EarlySteps recognizes your right to make decisions about your child and will take your concerns seriously.

Other safeguards provided to you:

**Screening, Evaluation, and Assessment** provided at no cost to you

**Services provided in the natural environment** according to an IFSP developed within 45 days of referral

**Services begin** within 30 days of your consent to IFSP services

**Freedom of Choice** in provider selection

**Consent** prior to use of your child's Medicaid or charges to your family for services and your rights regarding family cost participation.

You are given a copy of your Rights every time decisions are made which describe all these rights and procedures in detail, because EarlySteps values your role as team member and wants you understand to understand those rights. If you have questions, call your family support coordinator or your regional coordinator.