

Summary of Procedural Safeguards - Part C

Below is a summary of rights and safeguards under 34 CFR, Section 303, regulations for the Early Intervention Program for Infants and Toddlers with Disabilities, Part C of the Individuals With Disabilities Education Act (IDEA). Part C of the IDEA outlines a series of rights and procedural safeguards to ensure your participation in the early intervention system. Procedural safeguards are the checks and balances of the system and are intended to protect your interests as well as the interests of the early intervention system. The rights and safeguards convey the law's central principles of respect for your privacy, diversity and role as informed members of the early intervention team. It is the intent of Part C of the IDEA to enhance your ability to meet the needs of your infant or toddler and encourage your participation in meeting those needs. **Bold type** = section headings from regulations.

RECORDS (303.402)

The early intervention record is your family's record. You can see anything in Early Steps' records about your child and family at any time. As the parent, you have a right to receive, upon request, a list of the types of early intervention records kept on your child, where they are maintained and how you can gain access to them. You may not be charged to get copies of the records if you cannot afford it. You may also ask that the information be changed if you feel it is wrong. If you do not understand the way records are written, the information in your child's record will be explained to you in a way you will understand. You are a team member and we want you to have the same information as the other team members.

NATIVE LANGUAGE OR PREFERRED WAY OF COMMUNICATION (303.401. and 403)

It is your right to completely understand all activities and written records about your child. If you prefer a language other than English or a way of communicating, such as Braille or sign language, Early Steps will work with you to get an interpreter, if at all possible. Early Steps wants you to understand so that you can be an informed team member and decision maker.

WRITTEN PRIOR NOTICE (303.403)

Early Steps must give you advance written information about any evaluations, services, or other child-based actions affecting your child. The information you share with Early Steps will make sure that the evaluations and services are right for you. The "paperwork" assures that you get all the details and have a chance to talk to someone *before* the identification, evaluation, provision of early intervention services and child-based activity.

WRITTEN INFORMED CONSENT (303.404)

Early Steps needs your permission to take any actions that affect your child. You will be asked to give your consent in writing before Early Steps evaluates your child or provides early intervention services. Early Steps must be sure you completely understand the suggested activities. By being involved, you can help Early Steps plan services that match your family's preferences and needs. You may take away permission for your child to have any early intervention service at any time. Early Steps will explain what happens if you give your consent and if you do not give your consent.

CONFIDENTIALITY AND RELEASE OF INFORMATION (303.401 & .460)

Early Steps 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 Early Steps needs your permission to get your child's records from other providers, the records that Early Steps will develop will only be shared with others with your permission or as allowed under the law.

ACCEPT OR DECLINE SERVICES WITHOUT JEOPARDY (303.405)

With the other members of your child's early intervention team, you will consider which early intervention services can best help you accomplish the outcomes that you want for your child and family. You will be asked to give consent for those early intervention services that you want your child and family to receive. You do not have to agree to all services recommended. You can say no to some early intervention services and still get other services. If you decide to accept other early intervention services at a later date, you can give your consent then.

SURROGATE PARENTS (303.406)

Procedures must be in place to protect the rights of your child if you become unavailable or if your child becomes a ward of the state. These procedures must include a process for assigning a person to act as a surrogate for you. The surrogate parent may represent your child in all matters related to evaluation, services and other rights under Part C of IDEA until you become available or legal guardianship of your child is assigned to a person who is

able to carry out the role of the parent.

MEDIATION (303.419)

When you and early intervention programs are unable to resolve your differences through the individualized family support plan (IFSP) process, you may request mediation. Both parties have to agree to mediation and sign a request form. In mediation, a trained mediator helps the parties reach a mutually satisfactory solution that is in the best interest of the family. Early intervention mediation is free to parents. It does not interfere with the right to a due process hearing. Mediation is voluntary, optional for both parties and is completely confidential. Mediation will be scheduled in a timely manner and will be held in a location that is convenient to both parties. Any agreements reached in mediation will be put in writing and signed by both parties.

COMPLAINT PROCEDURES (303.510 - .512)

Early Steps recognizes your right to make decisions about your child and will take your concerns seriously. If you and the early intervention team do not agree on plans or services, or if you have other complaints about Part C services, there are procedures for resolving your concerns quickly. There are many informal ways of sharing your concerns with your team and Early Steps. Your feedback will help Early Steps improve. However, if informal steps do not work to satisfy a concern related to a possible violation of the requirements of Part C, you may file a written, signed complaint with the lead agency (Children's Medical Services). The lead agency must conduct an inquiry and issue a written decision within 60 calendar days. During the time a complaint inquiry is underway, your child must continue to receive the early intervention

services currently being provided or, if applying for initial services, the child must receive those services not in dispute. (See 34 CFR §303.425 re: Status of Child During Proceedings.) If you have questions, call _____.

*Adapted from the National Early Childhood Technical Assistance System (NEC*TAS) from Assuring the Family's Role on the Early Intervention Team: Explaining Rights and Safeguards (1996) (p.4) by J.L. Hurth and P.E. Goff.*

DUE PROCESS HEARING (303.420 - .425)

When you have a complaint regarding matters related to the identification, evaluation, or placement of your child or the provision of early intervention services, you may request a due process hearing. The hearing must be convenient to you and must be conducted by a knowledgeable, impartial hearing officer from outside the program. During the hearing proceedings, your child must continue receiving any early intervention services which are currently being provided. A written decision must be issued within 30 calendar days. You have a right to file a civil action in a state or federal court if you are not satisfied with the outcome of the hearing.

Child's Name:

Parent Signature *(I have been given a written summary of the procedural safeguards for Part C of IDEA, and have had these rights and safeguards explained to me.):*

Date:
