



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona



Child and Family Rights in the Arizona Early Intervention Program (AzEIP)



Your Child's Service Coordinator is:

Print Service Coordinator Name:

Phone Number:

Print Email:

Early Intervention Agency Name:

Phone Number:

Program Director Name:

Email:

Contents

Introduction	4
Who is this booklet for?	4
What is an IFSP?	5
Your Service Coordinator	5
Your Rights	5
Procedural Safeguards: Your Child and Family Rights	5
Right to Confidentiality (Privacy)	5
Right to Access Your Child's Records	6
Right to Prior Written Notice	7
Right to Give Permission	7
Right to Share your Concerns (Dispute Resolution)	8
Informal Concerns	8
Formal Complaint/Dispute Resolution	8
Mediation	8
Due Process Hearing	9
Complaints	10
Resources	11
Definitions	12

Introduction

Who is this booklet for?

This booklet provides parents of children with disabilities from birth to three an overview of their educational rights, also called procedural safeguards. This booklet is the notice of Procedural safeguards for parents and surrogate parents. Federal law requires parents be informed of all procedural safeguards.

The rights in this booklet come from a federal law called 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 families. These safeguards are important because they make certain families have complete information, have their privacy protected, and are asked permission before activities or services take place. Understanding what the rights are and what to expect under federal law is the purpose of the booklet.

The law says the Notice of Procedural Safeguards must be given to you:

- Once a year.
- When you ask for a copy.
- The first time your child is referred to early intervention, or when you request an evaluation.
- When your first complaint or due process request is received

In Arizona, the Part C early Intervention system is called Arizona Early Intervention Program (AzEIP), a program of Arizona Department of Economic Security, the lead agency. The local programs or contractors are referred to as Early Intervention Providers (EIPs). There are 22 regions with multi EIPs and teams providing direct services to families. Families rights under IDEA begin at the point of the referral to AzEIP. AzEIP does not discriminate based on race, culture, religion, income level or disability.

Each family has an Early Intervention Provider, and a multi-disciplinary team consisting of a Service Coordinator, Physical Therapist, Occupational Therapist, Speech Language Pathologist, Psychologist, and Social Worker. Services are based on the development of an Individual Family Service Plan (IFSP) focusing on activities that will assist the family to enrich their child's learning and development through everyday learning opportunities.

What is an IFSP?

IFSP stands for Individualized Family Service Plan. Your team, which includes you and others you wish to attend design these services after your child has meet the eligibility criteria for services. The ISFP team reviews your child's assessment information, identifies measurable goals for your child and determines the services and supports your child needs to reach these goals. An important person of your team is your service coordinator.

Your Service Coordinator

Your family will be assigned a service coordinator. As your family's primary contact, your service coordinator will:

- coordinate the screenings and the evaluation,
- discuss your questions, concerns
- review documents required to proceed with services
- coordinate the Individual Family Service Plan (IFSP),
- coordinate early intervention services,
- provide community resources for your child and family throughtout entire time with AzEIP
- provide critical information about your family rights and procedural safeguards.
- review information about your rights annually, and at each IFSP meeting.
- Your service coordinator will answer your questions and provide support during the time your child is enrolled in Arizona Early Intervention through your child's transition from AzEIP.

Your Rights

Procedural Safeguards: Your Child and Family Rights

1. The Right to Confidentiality (Privacy)

Your child's and family personally identifiable information, such as child's name, address, parent's social security number and other information will only be shared with your written consent unless a subpoena, law or court order requires it. You must agree in writing before information from your child's electronic or written records may be shared with anyone. You must have written notice and give you're OK to share your family's information with agencies outside of the AzEIP network.

2. The Right to Access Your Child's Records

Your child's early intervention records may be shared between Early Intervention Providers, when a decision is being made about which program will provide services. If your child is eligible for more than one AzEIP Service Providing Agency, the information will be shared among those AzEIP Service providing agencies, to ensure that your services are coordinated.

Your rights include:

- Request to see anything in your child's early intervention record
- Have a representative inspect and review your child's early intervention record
- Have information in your child's records explained to you
- Review your child's records within 10 calendar days of your request to your service coordinator
- Obtain copies of the records within a reasonable time after a written request, but no later than 14 calendar days from the request
- Receive at no cost a copy of each evaluation, child and family assessment, and IFSP as soon as possible after each IFSP meeting, but no later than 10 calendar days after the IFSP meeting
- Understand how records are being stored and destroyed
- Request that personally identifiable information in your child's file be destroyed when the information is no longer needed to provide services
- Request that changes be made to your child's records if you believe information is inaccurate, misleading, or in violation of your privacy or other rights, by sending a written request to your Early Intervention Program.

However, the State may retain a permanent record of a child's name, date of birth, parent contact information, names of service coordinator(s) and early intervention providers and exit data may be maintained without time.

- The Early Intervention Program must send a written decision on the requested record change within 14 calendar days receipt of the request.
- If the Early Intervention Program decides not to change the record, the program will send you its decision with an explanation for denying your request and notify you of your right to request a hearing on the decision.

- If you disagree with the program's decision, you may request a hearing by submitting a written request within 30 calendar days of your denial letter from the program to:

3. The Right to Prior Written Notice

You must receive written notice from your early intervention provider **before** any services, plans to change services, or refuse services and given within a reasonable time before any decisions are made. This is called Prior Written Notice. Your Early Intervention Provider must give you advance written information about:

- Plans to change or refuses your screening, evaluation, deny eligibility, or the delivery of early intervention services. The notice must be appropriately detailed to inform you about:
 - the actions being planned or refused
 - the reasons for the plan or refusal
 - a description of available rights under IDEA, Part C, and the options available to you and the timelines for those options.

The written notice must be:

- Written and provided in your native language, unless it is clearly not feasible to do so
 - the notice is translated orally or by other means to you in your native language, or in the way you communicate
 - if you have a visual or hearing impairment, the mode of communication must be what is normally used by you (such as sign language, Braille, or oral communication)

4. The Right to Give Permission

The Early Intervention Program must have your permission to take specific actions that affect your child. You will be asked to give your written consent or your "OK" before your Early Intervention Program performs a screening, an evaluation, a child assessment and/or early intervention services to determine whether your child is suspected of having a developmental delay.

At any time, you can refuse to give consent for any action or service without affecting your child's early intervention services. Your child won't get the services you refuse to give your written "OK" to, but you can change your mind later by giving your written "OK". If you decline all early intervention services, you may refer your child in the future, until your child is 2 years and 10 ½ months of age; eligibility would need to be re-determined.

- Only one parent with legal rights needs to provide consent. If both parents have legal rights and disagree, the parents are to work together to try to reach an agreement.

If that is not possible, the Early Intervention Program may not go on until a Court or other legal entity decides which parent has the permission to make decisions.

- Only a parent who has legal rights to consent to early intervention decisions may consent. In general, this will be the biological or adoptive parents of the child. However, special circumstances may exist when there is a Custody Order or when Child Protective Services is involved, and a relative, guardian, or surrogate parent may act as the parent.
- Consent is also required before the Early Intervention Program can use your health insurance (private or public) for funding of early intervention services. There is more information in the Funding Guide Booklet.

5. The Right to Share your Concerns (Dispute Resolution)

Informal Concerns

If you disagree with any recommendations being made or think you are not receiving the service you are entitled to, the quickest way to resolve a concern is to talk with your service coordinator. He or she can answer your questions, help communicate with other early intervention professionals, and/or, if needed, bring your IFSP team together to discuss your concerns.

Formal Complaint/Dispute Resolution

Procedural safeguards are available to you by law, to assist in resolving disagreements. Here are the steps that will assist you with your concerns:

- 1) request mediation,
- 2) request a due process hearing to resolve the disagreement, and/or
- 3) file a written complaint.

Mediation

Mediation is a voluntary process and both parties must agree to participate. A mediator is a qualified and impartial person who is trained to help you talk out the issues and is knowledgeable in the law related to early intervention. The State is responsible for the cost of the mediation process.

As a family, you have the right to request or refuse to participate in mediation. If mediation is agreed upon by both parties, you have the right to:

- Require that the mediation conference is scheduled in a timely manner and held in a location that is convenient for you and others who will attend

- Have all personally identifiable information maintained in a confidential manner
- Receive a written signed (by you and a representative of the Early Intervention Program) mediation agreement that details the results of the mediation conference
- Have mediation discussions kept confidential and not used as evidence in any subsequent due process or civil proceedings, unless a party seeks to enforce the agreement

Due Process Hearing

The family may also contact AzEIP to request a due process hearing. A due process hearing is a formal legal procedure. Families may request a due process hearing to resolve disagreements related to the Early Intervention Program's plan to or refusal to begin or change the identification (screening), evaluation, eligibility, or the delivery of appropriate early intervention services (such as IFSP services).

During the due process timeframe, your child will continue to receive the early intervention services identified on the IFSP currently receiving, unless you and your IFSP team agree to a change. If your disagreement involves a new service that has not yet started, the service will not start until the hearing decision is made. Your child and family will receive the services identified on the IFSP that are not in dispute.

You have the right to:

- Require that the hearing is carried out at a time and place that is reasonably convenient to you
- Receive services identified on the IFSP that are currently being provided, unless otherwise agreed, and if the complaint involves a request for a new service(s), your family will receive the services that are not in dispute
- Bring a civil action in state or federal court following completion of the proceeding if you disagree with the results
- Be accompanied and advised by an attorney and/or individual(s) at your own expense
- Request the hearing officer grant an extension beyond the 30-calendar day period
- Present evidence, and confront, cross-examine, and compel the attendance of witnesses. Prohibit the introduction of any evidence at the proceeding that has not been disclosed to you at least five business days before the proceeding begins
- Obtain a written or electronic verbatim transcription of the proceeding at no cost
- Receive a written copy of the findings of facts and decision within 30-calendar days from the date the request for due process is filed, at no cost

Complaints

Any individual or organization may file a written, signed complaint alleging a violation of the requirements of IDEA, Part C, and/or its regulations by DES/ AzEIP, an Early Intervention Program or early intervention provider, and the facts on which the complaint is based. The complaint must be filed within one year of the date the alleged violation occurred or, if the complaint is filed later than one year after the alleged violation(s), it must assert a continuing violation(s) or request reimbursement or corrective action for a violation within the past three years.

Your Rights include:

- File a formal State Complaint and use the informal complaint resolution process or mediation
- File a request for a due process hearing at the same time
- Receive assistance from your service coordinator to file a complaint
- Receive a final written decision within 60-calendar days of the date DES/AzEIP receives the complaint
- Receive an extension to the 60-calendar day timeline if:
 - An exceptional circumstance exists with respect to the complaint
 - There is an agreement amongst all parties involved in the complaint to engage in mediation

You may submit a written request for mediation:

Department of Economic Security
Arizona Early Intervention Program
1789 West Jefferson Street
Phoenix, Arizona 85007
(602) 532-9960 or

Visit the AzEIP website:

www.azdes.gov/azeip/ for a Complaint Request form

Resources

Department of Economic Security Arizona Early Intervention Program

1789 West Jefferson Street 2HP1

Phoenix, Arizona 85007

Phone: (602) 532-9960

Toll free: 1(888) 439-5609

Email: AZEIP@azdes.gov

Website: www.azdes.gov/azeip

Arizona Center for Disability Law

5025 East Washington Street, Suite 202

Phoenix, AZ 85034

Phone: (602) 274-6287 (voice or TTY)

Toll free: (800) 927-2260

Fax: (602) 274-6779

Email: center@azdisabilitylaw.org

Website: www.acdl.com/default.htm

Raising Special Kids

5025 East Washington Street, Suite 204

Phoenix, AZ 85034

Phone: (602) 242-4366

Toll free: (800) 237-3007

Email: info@raisingspecialkids.org

Website: www.raisingspecialkids.org

IDEA, Part C, Electronic Code of Federal Regulations (e-CFR)

Website: <http://www.ecfr.gov>

Definitions

1. AzEIP Service Providing Agencies

The following agencies provide service coordination and provider or help gain access to early intervention services under IDEA Part C: Arizona Early Intervention Program (DES/ AzEIP/EIP's) Arizona State School for the Deaf and Hard of Hearing (ASDB) Division of Developmental Disabilities DDD).

2. Consent

- a. You have been fully informed in your native language (unless clearly not feasible to do so) or other mode of communication about the activity(ies) for which consent is sought, and;
- b. You understand and agree in writing to the carrying out of the activity(ies) for which consent has been provided. The consent must describe the activity(ies) for which consent is sought. Your consent is voluntary and may be revoked in writing at any time. If you revoke consent, your revocation is effective on that day and does not apply to any actions that occurred before consent was revoked.

3. Early Intervention Programs (EIPs)

The Early Intervention Program provides service coordination in accordance with IDEA, Part C, and provides or facilitates access to other early intervention services. Early Intervention Programs include the employees, contractors, and other individuals associated with the Early Intervention Program who are involved with children and families, either directly or indirectly, referred to and/or enrolled in AzEIP.

4. Early Intervention Records

Those services identified in IDEA, Part C, which assist families in providing learning opportunities that, facilitate their child's successful engagement in relationships, activities, routines, and events of everyday life. Services are provided in the context of the family's typical routines and activities so that information is meaningful and directly relevant to supporting the child to fully participate in his or her environment.

5. Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of early intervention records, including access and disclosure of personally identifiable information, and parents' right to review, copy and/or request amendments of their child's record.

6. Individualized Family Service Plan (IFSP)

A written plan developed by your family and the early intervention professionals involved with your family. The IFSP

- a. is based on the evaluation and assessment,
- b. includes parental consent,
- c. is implemented as soon as possible once parental consent for early intervention services in the IFSP is obtained, and is developed in accordance with IDEA, Part C.

7. Individuals with Disabilities Education Act (IDEA)

Federal statute (Public Law 108-446) that governs states' provision of early intervention and special education services to children with developmental delays or disabilities, ages birth through twenty-one. IDEA has four "parts." Part C of IDEA defines early intervention services.

8. Native Language

When used with respect to an individual who has limited English proficiency or LEP means:

- a. the language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in (b) below;
- b. for evaluations and assessments, the language normally used by the child, if determined developmentally appropriate by qualified personnel conducting the evaluation or assessment.

Native language when used with respect to an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, means the mode of communication that is normally used by the individual (such as sign language, Braille, or oral communication).

9. Parent defined as

- a. a biological or adoptive parent of a child;
- b. a foster parent;
- c. guardian generally authorized to act as the child's parent, or authorized to make early intervention, educational, health, or developmental decisions for the child (but not the State if the child is a ward of the State);
- d. a person acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or a person who is legally responsible for the child's welfare; or (e.) a surrogate parent who has been appropriately appointed.

10. Personally Identifiable Information

Information includes but is not limited to:

- a. the name of the child, the child's parent or other family member;
- b. the address of the child or family;
- c. a personal identifier, such as the child's or parent's social security number; and/
or
- d. a list of personal characteristics or other information, which would make it possible to identify the child with reasonable certainty.

11. Service/ Support Coordinator

The primary person who works with your family to help coordinate the evaluation, the IFSP, and early intervention services, as well as other community resources for your child and family.

12. Team

The early intervention professionals involved with your family. If your child has recently been referred, the team may be the service coordinator and other early intervention professionals involved with developmental screening and evaluation to determine your child's eligibility. If your child is eligible, your team is the IFSP team, of which you are a member.



Child and Family Rights in the Arizona Early Intervention Program (AzEIP)

Parent Signature Sheet

I have received a copy of the Child and Family Rights in the Arizona Early Intervention Program (AzEIP). The contents of the brochure have been fully explained to me and I understand my rights as they have been explained.

_____ I understand that this signature page will be kept in my child's file.
(Please Initial)

Parent Signature: _____ Date: _____

Parent Signature: _____ Date: _____



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona

Equal Opportunity Employer / Program • Auxiliary aids and services are available upon request to individuals with disabilities • TTY/TDD Services 7-1-1 • Disponible en español en línea o en la oficina local