

Arizona Early Intervention Program When DCS is Involved

Identification of the IDEA Parent

The service coordinator is responsible for identifying the parent under the Individuals with Disabilities Education Act (IDEA) when a child is referred who is in the care and custody of the Department of Child Safety (DCS).

- If the biological parent (bio parent) is available, has not had their rights severed, and is willing to participate in the process then they are the IDEA parent, and the team proceeds with the initial planning process.
- If the SC cannot locate the bio parent, then the SC needs to contact DCS. If the bio parent still cannot be located the SC may proceed with someone else who may serve as the IDEA parent (see box at right).
- If the bio parents are available and do not want to proceed document that decision and exit the referral.

IDEA Definition of Parent

- Biological or adoptive parent
- Foster parent
- Guardian
- Grandparent, stepparent, or other relative with whom the child lives
- Surrogate Parent

When more than one individual is qualified to act as a parent for the child, the biological or adoptive parent who attempts to act as the parent is presumed to be the parent for purposes of making early intervention decisions on behalf of the child, unless:

- A. that person does not have legal authority to make educational decisions for the child (such as when parental rights have been terminated); or
- B. there is a judicial order or decree specifying that some other individual to act as the parent for early intervention purposes.

If the biological parent can be located or if they attempt to act as the parent, they are the IDEA parent.

If the foster family is concerned about the need for Arizona Early Intervention Program (AzEIP) support and the bio parents have decided against AzEIP remind them that they can utilize Comprehensive Medical and Dental Program (CMDP) services to address these needs.

Documentation

It is imperative that all efforts to identify the IDEA parent are clearly documented, including all attempts to contact the biological parents. This includes going back to DCS to request updated contact information for the biological parent. The service coordinator must also note in I-TEAMS on the child demographic page that DCS is involved and the DCS specialists contact information. Record of all releases of records must be maintained in the Child File Record using the [GCI-1034A Records Release Log](#).

The Service Coordinator is responsible for documenting every time records are released and to whom they were released.

Who else may request records without consent?

The Uninterrupted Scholars Act permits educational agencies and institutions to disclose students' education records to authorized child welfare agency representatives and tribal organizations. This Act also allows educational agencies and institutions to disclose students' education records to authorized child welfare agency representatives and tribal organizations following a judicial order, without requiring additional notice to the parent.

Redisclosure

The child's records may only be redisclosed to an individual or entity engaged in addressing the child's education needs and authorized to receive such disclosure. If records are improperly redisclosed the entity that redisclosed will be banned from receiving ANY FERPA records for five years.

Sample Conversation Script for Service Coordinators

With the Foster Family:

“I know that you made a referral for the child. I want you to know that we have to first make contact with the biological family. Under the Individuals with Disabilities Education Act, which is the law that governs AzEIP, the biological parent is assumed the parent for this process. We will talk to them about the referral, depending on the result we may proceed with the development of the Individualized Family Service Plan with them, with both of you, or with you alone.”

With the Biological Family:

“A referral to AzEIP was made for your child and family. Under the Individuals with Disabilities Education Act, which is the law that governs AzEIP, as the biological parent you are assumed the parent for this process. If you would like to proceed with the referral we can determine if your child is eligible. Since your child is not living with you it may be a good idea to involve the foster family in this process. How would you like to proceed? We may not disclose any information to the foster family without your consent, however the court, the DCS specialist or a Guardian ad Litem may request information and we must comply even without your consent”

With the DCS Specialist:

“I know that you made a referral for the child. I want you to know that we have to first make contact with the biological family. Under the Individuals with Disabilities Education Act, which is the law that governs AzEIP, the biological parent is assumed the parent for this process. We will talk to them about the referral, depending on the result we may proceed with the development of the Individualized Family Service Plan with them, with the foster family as part of that process or with the foster family and not the biological family. If you would like further information about the process, you must adhere to the Uninterrupted Scholars Act and submit a request using the Request for Release of Education Records form”

Requesting AzEIP Records

DCS specialists are required to submit the completed form that applies to the situation at the time of referral.

- **CSO-1048A – DCS is investigating allegations of abuse and neglect and reasonably believes that the child’s health or safety is in jeopardy; or**
- **CSO-1050A – the child is in the care and legal custody of DCS.**