

CHAPTER 7: PROCEDURAL SAFEGUARDS

REVISION DATES: 07/01/2021, 12/14/2018

EFFECTIVE DATES: 04/01/2022, 07/01/2019

INTENDED USER(S): All ADES/AzEIP personnel, AzEIP Service Providing Agencies including all employees, contractors, subcontractors, and volunteers.

REFERENCES: 20 U.S.C. §1401(23); 34 C.F.R. Part 99; 34 C.F.R. §303.7, -.27

123, -.400, -.403, and -.449; 34 C.F.R. §99.3, 20 U.S.C. §§1232g, 1439(a)(2), and 1442; 34 C.F.R. §303.401-402, 34 C.F.R. 303.404, 20 U.S.C. §1232, et seq.

(FERPA) and 34 C.F.R. §303.405 - 413., 34 C.F.R. §303.405-409, 34 C.F.R. §303.410-411, 34 C.F.R. §303.401(d)(1), -.414-.415; 34 C.F.R. 99.30(d), 34 C.F.R. §303.416; 20 U.S.C. 1232f; 34 C.F.R. Parts 76 and 80, 34 C.F.R. §420, 20 U.S.C. §§1439(a)(6) and (7); 34 C.F.R. §§303.21 and 303.421, 20 U.S.C. §1439(a)(5); 34 C.F.R. §§303.27; -.422, 20 U.S.C. §1439; 34 C.F.R. §§303.401-449, 20 U.S.C. §1415(e); 34 C.F.R. §303.431, 34 C.F.R. §303.438, 34 C.F.R. §§303.430; 435. 34C.F.R. §§303.432-434

7.4 Consent to Disclose Records

- 7.4.1 The service coordinator ensures the parent knows his/her rights for the protection of their personally identifiable information and obtains consent, where appropriate, prior to disclosing this information.
- 7.4.2 The service coordinator must maintain a record of all requests for and disclosure of a child's early intervention records on the Records Released log.
- 7.4.3 The EIP ensures a current list is available for public inspection of the names and positions of those individuals within the program who have access to personally identifiable information.
- 7.4.4 A valid court order or subpoena to produce records for a child in early intervention is an exception under IDEA, Part C and the Family Education Rights and Privacy Act (FERPA) to the requirement that parental consent be obtained prior to releasing early intervention records.
- 7.4.5 Before any early intervention records may be released pursuant to a court order or subpoena, the individual or program releasing the records must:
 - A. provide written notice to the parent notifying of the intended release
 - B. if possible, per the timelines set out in the order or subpoena, allow at least ten (10) business days to seek a protective order before the records are released.