

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

7.2 Records

- 7.2.1 The service coordinator is responsible for explaining to a parent his or her rights to inspect, review, and have a copy of his/her child's early intervention records. This information is also included in the Child and Family Rights in the Arizona Early Intervention Program (AzEIP) booklet. A complete description of when and how the service coordinator explains rights to a parent is found in the AzEIP Policy and Procedure Manuals, Chapter 3: *Early Intervention Services* and Chapter 4: *Transition*.
- 7.2.2 The service coordinator provides the parent copies of all screenings, evaluations, child and family assessments, and IFSP's (including any reviews) within ten (10) calendar days of written completion of the document.
- 7.2.3 A parent may request verbally or in writing that s/he would like to inspect or review the early intervention records of his or her child when the child is in early intervention. If the request is verbal, the EIP shall document the request in the child's record. The program to whom the request is directed must make the records available no more than ten (10) calendar days after the request has been made.
- 7.2.4 The service coordinator advises parents at or near the transition from early intervention that the child's records will be kept for ten years from the date the child exits early intervention, and that the parent may receive a copy of the child's record at no charge before the exit.
- 7.2.5 After a child has exited AzEIP, a parent must send a written, signed request, unless unable to do so, that s/he would like to obtain a copy of his/her child's early intervention records. The EIP to whom the request is directed must make available the records requested within 14 calendar days. Shorter periods of time will be considered on a case-by-case basis.

- 7.2.6 When the request is for records of a child who is no longer eligible for early intervention, the EIP or designated AzEIP TBEIS Contractor or subcontractor will engage in reasonable efforts to ensure the requestor is the early intervention parent who has the right to seek the records. Those efforts include:
- A. reviewing the child's record to identify the name(s) of the person(s) who was the early intervention parent, and comparing the name and signature of the requestor with those found in the child's record
 - B. requesting identification from the person seeking the records
 - C. if relevant, reviewing a custody order to determine who is the early intervention parent for the child.
- 7.2.7 All agencies must keep within the child's file a Records Released Log, which is accessible to parents. When records are released, the following information must be recorded:
- A. the date records are released
 - B. agency/person to whom the records were released
 - C. the purpose of release
 - D. verification that consent is on file and up to date
 - E. the records that are released.
- 7.2.8 All agencies must use the Records Released log to record the following information when there is a request to access information in a child's record:
- A. the date records are accessed
 - B. the name of the individual and EIP, if relevant, accessing the information
 - C. the purpose for the request.