

Suffolk County Early Intervention Program Notice of Child and Family Rights

These are your family's rights, as defined by the federal law known as the Individuals with Disabilities Education Act (IDEA). Part C of IDEA provides for early intervention services for eligible infants and toddlers.

The Suffolk County Early Intervention Program is designed to maximize family involvement and ensure parental consent in each step of the process from determination of eligibility through service delivery. Rights and procedural safeguards have been established to protect parents and children and to ensure that parents have a leadership role in services for their children. Participation is voluntary for you and your family. Please refer to the New York State, "The Early Intervention Program, A Parent's Guide" which was given to you by your initial service coordinator for more information about your rights and entitlements. This guide can be accessed via computer at eip@health.state.ny.us.

You have the following rights:

1. The right to a timely multi-disciplinary evaluation and assessment and the development of an Individualized Family Service Plan (IFSP) within forty-five (45) calendar days from referral to the Early Intervention Program;
2. If eligible under the Early Intervention Program, the right to appropriate early intervention services for your child and family as addressed in an IFSP;
3. The right to evaluation, assessment, development of IFSP, service coordination, and procedural safeguards at no cost;
4. The right to refuse evaluations, assessments, and services;
5. The right to be invited to and participate in all IFSP meetings;
6. The right to receive written notice ten (10) calendar days before a change is proposed or refused in the identification, evaluation, or placement of your child, or in the provision of services to your child or family;
7. The right to receive services in your child's natural environment to the maximum extent appropriate;
8. The right to maintenance of the confidentiality of personally identifiable information;
9. The right to review and, if appropriate, correct early intervention records;
10. The right to timely resolution of complaints including the right to mediation and due process hearings;
11. The right to file a complaint of alleged FERPA violations to:
Family Compliance Office
U.S. Department of Health
400 Maryland Avenue
Washington, D.C. 20202 -4605

Complaints to the Federal Compliance Office must be submitted no later than 180 days from the date the individual submitting the complaint first learned of the circumstances of the alleged violation. Complaints should contain specific allegations of fact giving reasonable cause to believe a violation had occurred, including relevant date; names and titles of those involved; a specific description of the record around which the alleged violation occurs; a description of any contact with any officials regarding the matter; and any additional evidence that would be helpful.

(L) For further information and assistance related to early intervention record requirements contact:

New York State Department of Health
Early Intervention Program
Room 287 Corning Tower Building
Empire State Plaza, Albany, NY 12237-0618
(518) 473-7016

In addition to these general rights, you are entitled to be notified of specific procedural safeguards. These safeguards or rights include Parental Consent, Prior Notice, Examination of Records, Confidentiality of Information, Mediation, Administrative Due Process Hearings and the right to appoint a surrogate parent.

PARENTAL CONSENT

Consent means that:

- You have been fully informed of all information about the activity for which consent is sought, in your native language*, or mode of communication;
- You understand and agree in writing to provision of the activity for which your consent is sought, and the consent describes the activity and lists the records (if any) that will be released and to whom;
- You understand that granting consent is voluntary on your part and that you may cancel consent in writing at any time.

**Native Language, when used in reference to persons of limited English proficiency, means the language or mode of communication normally used by the parent of an eligible child.*

Your written consent is required:

- Before evaluation(s) and assessment(s) of your child are conducted;
- Before early intervention services are provided; and before the exchange of any personally identifiable information*, except as required by law.

**Personally Identifiable Information includes: The name of your child or the name of other family members; The address of your child; A personal identifier, such as your child's or your own social security number; or a list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.*

If you do not give consent for any evaluation(s), assessment(s) or early intervention services, reasonable effort will be made to ensure that you:

- Are fully aware of the nature of the evaluation(s), assessment(s) or services that would be available;
- Understand that your child will not be able to receive the evaluation and assessment or services unless consent is given

As a parent of a child eligible for early intervention services, you may determine whether you will accept or refuse any early intervention service(s). You have the right to accept some evaluations and services while rejecting or stopping others. You may also refuse any service after first accepting it without jeopardizing other early intervention services.

PRIOR NOTICE

Written prior notice must be given to you ten calendar days before the Early Intervention Program, proposes or refuses to initiate or change the identification, evaluation, or placement of your child or the provision of early intervention services to your child and your family.

The notice must inform you about:

- The action that is being proposed or refused;
- The reasons for taking the action;
- All procedural safeguards that are available under the Early Intervention Program are available in the “New York State, A Parent Guide”.

The notice must be:

- Written in language understandable to the general public and provided in your native language or the language normally used by you, unless it is clearly not feasible to do so.
- If your native language or other mode of communication is not a written language, the local lead agency shall take steps to ensure that:
 - The notice is translated orally or by other means to you in your native language or other mode of communication;
 - You understand the notice;
 - There is written evidence that the requirements of this section have been met.
 - If you are deaf, blind, or have no written language, the mode of communication must be that normally used by you (such as sign language, Braille, or oral communication).

EXAMINATION OF RECORDS

You must be given the opportunity to inspect and review records related to screening, evaluation, assessment, determination of eligibility, the development and implementation of IFSPs, individual complaints dealing with your child, and any other portion of the Early Intervention Program involving records about your child and your family. You also have the right to correct or comment on early intervention records pertaining to your child or your family.

CONFIDENTIALITY OF INFORMATION

All information on your child and family is confidential. The Early Intervention Program must have your permission to request information from or share information with other agencies, service providers, or professionals.

The following safeguards are in place to ensure confidentiality of records:

- The early intervention program protects the confidentiality of personally identifiable information at collection, storage, disclosure, and at all stages;
- At least one official is responsible for ensuring the confidentiality of any personally identifiable information;
- All persons collecting or using personally identifiable information receive training or instruction regarding the policies and procedures as they apply to confidentially regulations;
- The Early Intervention Program maintains, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information;
- The Early Intervention Program informs parents when personally identifiable information collected, maintained, or used under the Early Intervention Program is no longer needed to provide services to the child;
- The Early Intervention Program must destroy any personally identifiable information in the child’s early intervention record at the request of the parents (Early Intervention

records of the child's name, address, phone number, and dates of early intervention services must be maintained;)

- The Early Intervention Program gives you the opportunity to inspect and review any of your child's early intervention records that are collected, maintained, or used by the Early Intervention Program;
- Individual early intervention records are maintained until a child reaches the age of 21. All billing/financial records will be retained for 6 years.

The right to inspect and review early intervention records includes:

- The right to a response from the Early Intervention Program to reasonable requests for explanations and interpretations of the early intervention record;
- The right to request copies of the early intervention records;
- The right to have someone who represents you inspect and review the early intervention records;
- The Early Intervention Program assumes that you have the authority to inspect and review early intervention records relating to your child unless it has been advised that you do not have the authority under applicable state law or court order governing such matters as guardianship, separation, and divorce;
- A record of all individuals obtaining access to the early intervention record (except access by parents and authorized employees of the Early Intervention Program), including the name of the individual, the date access was given, and the purpose for which the individual is authorized to use the early intervention record will be maintained;
- If any early intervention record includes information on more than one child, you have the right to inspect and review only the information relating to your child, or to receive notification of that specific information;
- Upon request, a list of the types and locations of early intervention records collected, maintained, or used by the agency will be provided;
- The Early Intervention Program may charge a fee for copies of early intervention records collected, maintained, if the fee does not effectively prevent you from exercising your right to inspect and review the early intervention records;
- The Early Intervention Program may not charge a fee to search for or to retrieve information;.
- If you believe that information in early intervention records collected, maintained, is inaccurate, misleading, or violates the privacy or other rights of your child or family, you may request to amend the information;
- The Early Intervention Program must determine whether to amend the information in accordance with the request, within a reasonable period of time after receiving such a request;
- If the Early Intervention Program refuses to amend the information as you requested, you must be informed of the refusal and advised you of your right to a hearing;
- The Early Intervention Program, on request, will provide an opportunity for a hearing to challenge information in early intervention records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child;
- If the hearing results in the determination that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the local Early Intervention Program will amend the information accordingly and will inform you in writing;.
- If the hearing results in the determination that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the Early Intervention Program must inform you of your right to place a statement in your child's early intervention records that comments on the information and sets forth any reasons

for disagreeing with the hearing decision. Any explanation placed in the early intervention records of the child under this section must:

- be maintained by the Early Intervention Program as part of the early intervention records of the child, as long as the early intervention record or contested portion (that part of the record with which you disagree) is maintained by such agency; and if the early intervention records of the child or the contested portion are disclosed by such agency to any party, the explanation must also be disclosed to that party. A hearing held regarding these matters must be conducted according to the procedures under the Family Education Rights & Privacy Act (FERPA), which is found in statute at 20 U.S. C. §1232g, and in regulations at 34 CFR Part 99.

INDIVIDUAL CHILD COMPLAINTS

Individual child complaint resolution involves the formal resolution of concerns and disagreement between a parent and the Early Intervention Program through the use of mediation and/or an administrative due process hearing. If you disagree on any aspect of your child's identification, evaluation, or placement, or of the provision of appropriate early intervention services to your child and family, you have the right to a timely administrative resolution of your concerns through mediation or administrative due process. As a parent, you may initiate an individual child complaint by submitting a written request for mediation and/or an administrative due process hearing. If mediation is unsuccessful, the due process hearing must be completed within 30 days of your original written request for resolution. If an agreement is reached through mediation, the due process hearing is cancelled.

