

Family Rights and Safeguards

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Who is responsible: Intake Coordinators, Service Coordinators and Early Intervention Service Providers

Requirements for Rights and Safeguards

The Federal and state laws and their regulations require that families are informed of their rights in all early intervention processes. The Service Coordinator will inform families of their right to the following:

- Receive prior written notification of actions that affect their child.
- Understand and consent to all activities and written records about their child.
- Information about their child and family is kept confidential and that they have access to that information, upon request.
- Ability to accept or decline services without jeopardy.
- Be informed of procedures for resolving complaints.

Families must be given a copy of family rights in the IDEA/Part C system beginning with referral and at all IFSP meetings. These rights are in the Family Guide to the IDEA/Part C System and are on the IDEA/Part C webpage for SCDHHS.

Explaining Family Rights and Safeguards

The Intake Coordinator, Service Coordinator, and each Early Intervention Service (EIS) provider share responsibility for ensuring the family understands each right. The Family Guide to the IDEA/Part C System outlines the information that families need to understand at each step in the process, from referral through IFSP development and service implementation.

Prior Written Notice and Meeting Notification

Prior Written Notice lets the parent know in advance when a meeting needs to be scheduled, or something in the child's IFSP or services will be changed.

Responsibility of Intake Coordinator and Service Coordinator

- Prior written notice is provided at least seven calendar days in advance to ensure the parent will be able to attend or participate.
- Check all appropriate actions that apply for the date, time, and location listed on the form and check the appropriate meeting purpose. If meeting purpose is not listed select "other" on the form and include the meeting purpose.
- Prior Written Notice is still needed if a child is found ineligible for IDEA/Part C or if a child has an unplanned exit.
- The Intake Coordinator and Service Coordinator shall maintain a hardcopy of the prior written notice in the child's IDEA/Part C educational record, and document in BRIDGES that the parent has been provided with Prior Written Notice for each required activity.

Responsibility of EIS Provider

- An EIS provider may not initiate any change to services on an IFSP, or refuse to provide services on the IFSP, without first contacting the Service Coordinator so that the parent can be provided with prior written notice.

- Any requests from the parent to an EIS provider to initiate or change a service must first be communicated to the Service Coordinator.
- EIS providers will not be reimbursed for provision of any change in services before the parent receives prior written notice.

Native Language/Preferred Mode of Communication

The parent's native language or preferred mode of communication must be accommodated in all notices, consents, copies of screening, evaluation, and assessment results, the IFSP, and delivery of services. The child's native language or preferred mode of communication must be accommodated in evaluations and assessments if developmentally appropriate to do so.

Responsibility of Intake Coordinator and Service Coordinator

The responsibility of the Intake Coordinator and the Service Coordinator is to ensure that foreign language interpretation, foreign language translation, sign language interpretation, or adapted written materials are available to the parent:

- In the provision of all early intervention services on the IFSP.
- During parent education activities and materials.
- When the parent requests to examine and/or receive a copy of records
- To ensure such supports are designated on the IFSP.

Responsibility of EIS Provider

To ensure provision of foreign language interpretation, foreign language translation, sign language interpretation, or adapted written materials as part of each EIS service the provider renders to the family.

Written Consent

The parent's written, informed consent must be documented as appropriate through use of IDEA/Part C Consent forms for evaluation, placement, services, and system of payments.

Responsibility of Intake Coordinator and Service Coordinator

- To ensure the family provides written consent prior to each initial and annual screening, evaluation, assessment, and initiation of an IFSP service, and prior to use of insurance resources.
- The Intake Coordinator and Service Coordinator shall maintain a hardcopy of the document in the child's IDEA/Part C educational record, and document in BRIDGES that the parent has been provided or declined written consent for each required activity.

Responsibility of EIS Provider

EIS providers will not be reimbursed for provision of any services before the parent provides consent to receive the service.

Confidentiality and Release of Information

The parent's written, informed consent must be documented as appropriate through the use of IDEA/Part C Consent forms for requesting and releasing information from the child's IDEA/Part C early intervention record.

Responsibility of Intake Coordinator and Service Coordinator

- The Intake Coordinator and Service Coordinator must ensure the family signs the consent to release and/or obtain information prior to the initial IFSP and each annual review of the plan, or more frequently as appropriate (e.g., child begins seeing a new primary care provider).
- The Intake Coordinator and Service Coordinator will use only the child’s BRIDGES ID number in electronic correspondence, including requests to the BRIDGES Help Desk.

Responsibility of EIS Provider

The EIS provider will use only the child’s BRIDGES ID number in electronic correspondence, including requests to the BRIDGES Help Desk.

Examination of Records

The parent has the right to examine their child’s IDEA/Part C records, request copies of the record or any portion thereof, and to file an amendment of any information in the record the parent finds to be in error.

Responsibility of Intake Coordinator, Service Coordinator, and EIS Provider

Early intervention records kept by Intake Coordinators, Service Coordinators, and EIS providers are confidential. The parents of the eligible child must be given the opportunity to inspect and review all records upon request.

Accepting or Declining Services without Jeopardy

EIS services cannot be initiated without the written consent of the parent to do so. The parent can decline one service on the IFSP and still receive all services for which consent was provided.

Responsibility of Service Coordinator

- The Service Coordinator shall maintain a hardcopy of the IFSP Consent and Team Signatures form in the child’s IDEA/Part C educational record. The Service Coordinator will document in BRIDGES that the parent has accepted or declined written consent for services on the IFSP.
- If the parent declines all services on the IFSP, the Service Coordinator must complete the Prior Written Notice form explaining why IDEA/Part C services cannot be initiated.

Responsibility of EIS Provider

Early Intervention Services may be declined after first accepting the service without jeopardizing other early intervention services.

Complaints

The parent has the right to informal and formal ways of resolving a dispute with IDEA/Part C, Intake Coordinators, Service Coordinators, and EIS providers.

Responsibility of Intake Coordinator, Service Coordinator, and EIS Provider

The Intake Coordinator, Service Coordinator, and EIS provider will explain to families that if they are not satisfied or if the EI team does not agree on plans and services, the family has the right to submit complaints.

Notification of Rights and Safeguards

Responsibility of Intake Coordinator, Service Coordinator, and EIS Provider

The Intake Coordinator, Service Coordinator, and/or EIS provider will explain rights and safeguards using the Family Guide to the IDEA/Part C System.