

GUIDE TO PARENT RIGHTS

Version 4/9/2020



Under the Individuals with Disabilities
Education Act of 2004 (IDEA), Part C



Additional copies of this booklet may be obtained by contacting:

Birth to Three Early Intervention Program

Herman M. Holloway, Sr. Campus
1st Floor, Main Administration Building
1901 N. DuPont Highway
New Castle, DE 19720

Phone: 302-255-9134

Fax: 302-255-4407

<https://www.dhss.delaware.gov/dhss/dms/epqc/birth3/directry.html>

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Your Rights

Families seeking or receiving early intervention (EI) services through the Infants and Toddlers EI Program (hereafter referred to as the EI Program) have special rights under federal law. You must be informed about these rights and procedural safeguards so you can have an active role in the decision-making regarding services provided to your infant or toddler and family.

Your service coordinator will provide critical information about your family rights and safeguards under IDEA, Part C, including this booklet, *Guide to Parent Rights*, which is part of the official notice of your rights and safeguards.

Delaware's Infants and Toddlers Early Intervention (EI) Program is designed to maximize family involvement and to ensure parental consent in each step of the early intervention process, beginning with developmental evaluation and assessment, and continuing through service delivery and transition. By being involved, you can help the EI Program plan for services that match your family's preferences and needs.

Within Delaware's EI Program you, as a parent, have the following rights:

- The opportunity for a multidisciplinary evaluation, assessment, service coordination, the development of an Individualized Family Service Plan (IFSP) within 45 calendar days from the date of referral to the Infants and Toddlers Early Intervention Program, and procedural

safeguards at no cost to you. You may be charged for other early intervention services on a sliding fee schedule. However, your inability to pay will not prevent your child or family from receiving services;

- If eligible, the opportunity to receive appropriate EI services within 30 calendar days from the date of your consent for each service documented on your IFSP;
- To consent to or refuse to consent to evaluations, assessments, and EI services, including a refusal of some portion of the services documented on the IFSP;
- To choose not to use your health insurance to pay for EI services;
- To be invited to, and participate in, all meetings in which a decision is expected to be made regarding your family's early intervention services, including a proposal to change the identification, evaluation, or placement of your child, or the provision of EI services to your child or family;
- The opportunity to receive timely written notice before a change is proposed or refused in the identification, evaluation, or placement of your child, or in the provision of EI services to your child or family;
- To receive EI services in natural environments within your family's routines, to the maximum extent appropriate, to meet your child's developmental needs;
- To have your child's and your personally identifiable information treated as confidential;

- To inspect, review, and, upon request and if appropriate, amend records; and
- To request certain dispute resolution processes to resolve disagreements between you and the EI Program or service provider, such as filing a state complaint and/or requesting mediation or a due process hearing.

If you have questions or would like to discuss a concern, you may contact your Service Coordinator or the Child Development Watch Clinic Manager at:

302-283-7240 in New Castle County; or
302-424-7300 in Kent and Sussex Counties

You may also contact the Birth to Three Program Dispute Coordinator at Delaware Health and Social Services at 302-255-9134 if you have questions or would like to talk to someone about your rights and participation in the Infants and Toddlers EI Program.

Delaware's Infants and Toddlers Early Intervention Program is carried out by two programs within the Department of Health and Social Services:

- **Birth to Three Program** is responsible for developing policies and procedures, oversight of federal, state, public, and private funds for early intervention services, and ensuring your rights under Part C of IDEA.
- The **Child Development Watch Program** is responsible for providing intake, evaluation, assessment, service coordination, the IFSP, services and transition for your child and family.

These two programs work together to make sure that the EI system in Delaware works smoothly for families who have infants and toddlers with developmental delays or disabilities.

Confidentiality

The information you provide about your family to early intervention (EI) professionals from the time of referral and throughout your family's contact with Delaware's Infants and Toddlers EI Program is confidential.

Personally identifiable information will only be shared with your written consent, unless a subpoena, law or court order requires disclosure.

From time-to-time, we may ask other service and/or health care providers for information about your child, but we need your written permission to do so. We also need your permission before any of your child's EI information can be shared with anyone outside of the EI Program.

Parental consent must be obtained before personally identifiable information is:

- Disclosed to anyone other than authorized representatives, officials, or employees of participating agencies collecting, maintaining, or using information by Delaware's EI Program, unless authorized to do so under Family Educational Rights and Privacy Act (FERPA) (34 CFR 99.31); or
- Used for any purpose other than meeting a requirement under Delaware's *Infants and Toddlers Early Intervention Policies and Procedures*.

The following safeguards must be in place to ensure confidentiality of records:

- Each EI Program and service provider must protect the confidentiality of personally identifiable information during collection, storage, disclosure, and destruction;
- One official from each EI Program and service provider must be responsible for ensuring the confidentiality of any personally identifiable information;
- All persons collecting or using personally identifiable information must receive training or instruction regarding Delaware's *Infants and Toddlers Early Intervention Policies and Procedures* which comply with Part C of the IDEA and FERPA;
- Each EI Program or service provider must maintain for public inspection a current listing of the names and positions of those employees within the agency who have access to personally identifiable information; and
- The EI Program or service provider must inform you when personally identifiable information collected, maintained, or used by the EI Program is no longer needed to provide services to your child; the information must be destroyed at your request. Delaware's record retention procedure is to maintain the EI record onsite at the EI program for three years following the exit of your child from services and then retain the records in archives for 27 years, at the end of which time they are destroyed.

- As noted above, you may request that the information be destroyed. However, a permanent record of your child's name, address, phone number, attendance, and year services were completed may be maintained without time limitations.



Access to Records

Your child's EI records may at times be shared within the EI Program to ensure that your services are well coordinated, such as when a decision is being made about which program or contracted provider will provide services.

You have the right to inspect and review records relating to evaluations and assessments; eligibility determinations; development and implementation of IFSPs; provision of EI services; individual complaints pertaining to your child; and any other portion of the EI Program involving records about your child and your family, unless restricted under the authority of applicable state law over such matters as guardianship, separation, or divorce.

The right to inspect and review records includes:

- The EI Program or service provider must provide, at no cost to you, a copy of each evaluation, child and/or family assessment, and IFSP as soon as possible after each IFSP meeting, and, in no case more than 10 calendar days after the request has been made.
- The EI Program or service provider must comply with a request for records without unnecessary delay and before any meeting regarding an IFSP or hearing related to identification, evaluation, placement, or provision of EI services for your child and family and, in no case more than 10 calendar days after the request has been made.
- The EI Program will give you an initial copy of your child's EI record at no cost to you.

- The EI Program or service provider may charge a fee for additional copies of records that are made for you if the fee does not effectively prevent you from exercising your right to inspect and review those records; however, you cannot be charged a fee to search for or retrieve information.
- If any record includes information about more than one child, you may inspect and review, or be informed of, only the information relating to your child.
- You will receive a response from the EI Program or service provider to reasonable requests for explanations and interpretations of the record.
- You have the option of having someone who is representing you inspect and review the record.
- The EI Program or service provider will assume that you have the authority to inspect and review records relating to your child unless the agency or provider has been advised that you do not have the authority under applicable Delaware law.
- Each EI Program or service provider shall keep a written record of persons obtaining access to records collected, maintained, or used by the program, except access by parents and authorized employees of the Program or service provider, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the child's EI record.
- Each EI Program or service provider shall provide you, upon request, a list of the types and locations of records collected, maintained, or used by the agency or provider.

If you believe that information in your child's record that has been collected, maintained, or used under the EI Program contains inaccurate or misleading information, or violates the privacy or other rights of your child or family, you may request that the EI Program agency that maintains the information amend the information.

- The agency must respond without unnecessary delay and, in no case more than 10 calendar days after you make the request. In circumstances where you have requested information related to an IFSP meeting or formal hearing to resolve a complaint, the agency has to provide the records to you at least five calendar days before the meeting or hearing.
- If the agency or provider refuses to amend the records as requested, it must inform you of the refusal in writing and advise you that you have the right to a due process hearing, explained on pp. 11-12, within 30 calendar days of the date of the denial letter.
 - If, as a result of the hearing, the hearing officer decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the EI Program provider will amend the information accordingly and will inform you in writing.
 - If, as a result of the hearing, the hearing officer decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, you will be informed of your right to place in the records of your child a statement commenting on the information and setting forth any reasons for disagreeing with the decision of the agency.

Any explanation placed in the records of the child must:

- Be maintained by the EI Program as part of the records of the child as long as the record or contested portion (that part of the record with which you disagree) is maintained by the agency; and
- If the records of the child or the contested portion is disclosed by the EI Program provider to any party, the explanation must also be disclosed to the party.

Any hearing held related to a child's EI record must be conducted according to the procedures under FERPA, which is found in statute at 20 U.S.C. §1232g, and in federal regulations at 34 CFR Part 99.22 and Delaware's *Infants and Toddlers Early Intervention Policies and Procedures*.

Consent and Prior Written Notice

The EI Program needs your permission to take specific actions that affect your child and family. You will be asked to give your consent in writing before the following can occur(s):

- All evaluations and assessments of your child;
- EI services are provided to your child or family;
- Public benefits or insurance or private insurance is used if such consent is required to access your public or private health insurance; and/or
- To obtain and/or to disclose any personally identifiable information collected, maintained, or used by the EI Program or service provider consistent with federal and state law.

As a parent, you have the right to:

- Provide, decline, or withdraw written consent before specific activities, such as an evaluation, child assessment, or the provision of some or all of the EI services are started, changed, or ended;
- Provide, decline, or withdraw written consent to one or more EI services and/or the frequency of service(s) without impacting other services. Only the service(s) you consent to will be provided; and

- If you decide you want to accept or decline a service at a later time, you can give your consent then.

If you choose not to give consent, your child will not receive the service for which consent is not provided. Your service coordinator will explain what action is being proposed, the purpose of the proposal or refusal, and the results of providing or not providing consent.

Only one parent with legal rights needs to provide consent. In situations where both parents have legal rights and disagree, you will be asked to work together to try to reach an agreement. If that is not possible, the EI Program may not proceed until a court or other legal entity decides which parent has the authority to make decisions.

Prior written notice is designed to ensure that you have information about the actions being proposed or refused regarding your child's participation in the EI Program before the action takes place so that you can make informed choices and decisions.

Your EI Program must give you advance written information about evaluation and assessment, placement (eligibility determination), and/or provision of any EI services or other actions affecting your child and family.

The notice must be sufficiently detailed to inform you about:

- The actions being proposed or refused;
- The reason(s) for the proposal or refusal;
- Available rights under IDEA, Part C, including a description of mediation; and

- The dispute resolution options available and the timelines for those options, as described later in this guide.

The written notice must be:

- Written in language understandable to the general public and provided in your native language, unless it is clearly not feasible to do so;
- If your native language or other mode of communication is not a written language, the EI Program or service provider shall take steps to make sure 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 right have been met; and
 - If you are deaf, blind, unable to read, or have no written language, the mode of communication must be that normally used by you (such as sign language, Braille, or oral communication).

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Dispute Resolution Options

If you and your child's EI team do not agree with the identification, evaluation, placement (eligibility), or the provision of EI services, or if you have other complaints about your experience with the EI Program, there are procedures for resolving your concerns quickly.

Informal Dispute Resolution

If early intervention activities do not occur in the timeframe or the manner in which you expect, we encourage you to contact your service coordinator so that he or she can answer your questions, help communicate with other EI professionals, and/or, if needed, bring your IFSP team together to discuss your concerns. The service coordinator's job is to help you navigate the program.

For example, if you have concerns or feel the EI activities are not occurring in the timeframe or manner in which you expect, we encourage you to contact your service coordinator or his or her supervisor to seek assistance addressing your concerns and/or answering any outstanding questions you may have. Additionally, you may contact the Birth to Three Dispute Coordinator for informal help with your disagreements.

However, if the informal steps do not work to satisfy your disagreements, there are more formal steps to assure that a knowledgeable and impartial person from outside

the EI Program hears your complaints and helps you resolve them.

Formal Dispute Resolution Options

Although we encourage you to work with your service coordinator and/or EI team members to resolve issues informally, there are other options available to you.

As a parent, you have the right to:

- File a complaint if you believe there has been a violation of IDEA, Part C, and/or
- Request a mediation to resolve any kind of dispute concerning any EI matter; or
- Request a due process hearing if you disagree with the EI Program's proposal or refusal to initiate or change the identification, evaluation, placement (eligibility), or the provision of EI services (e.g., IFSP services) under IDEA, Part C.

State Complaints

Any individual or organization may file a written, signed complaint alleging a violation of the requirements of Part C of IDEA, and/or its regulations by Delaware's EI Program or a service provider, and a description of the facts on which the complaint is based.

As a parent, you have the right to:

- Use the informal complaint resolution process, file a complaint, or request mediation;

- File a request for a due process hearing at the same time; and/or
- Receive assistance from your service coordinator to file a complaint.

Any individual or organization who files a State complaint has the right to:

- Receive a final written decision within 60 calendar days of the date the Birth to Three Dispute Coordinator receives the complaint; or
- Receive an extension to the 60-calendar days timeline if:
 - An exceptional circumstance exists with respect to the complaint, or
 - There is an agreement amongst all parties involved in the complaint to engage in mediation.

The written complaint must include the following information:

- A statement that the EI Program or service provider has violated a requirement under Part C of IDEA;
- The facts on which the statement is based;
- The signature and contact information for the person filing the complaint; and
- If the complaint is related to a specific child:
 - The name and address of the residence of the child;
 - The name of the EI Program or service provider serving the child;

- A description of the nature of the problem of the child, including facts relating to the problem; and
- A proposed resolution of the problem to the extent known at the time the complaint is filed.

If you decide to file a complaint, it must be within one year of the date the alleged violation occurred. In addition, the federal regulation requires that the person sending the complaint must forward a copy of the complaint to the EI Program or service provider serving the child at the time the complaint is filed.

While your request is being reviewed, investigated, or processed, and unless you and the participating EI Program agree, your child and family will continue to receive EI services identified on the IFSP for which you have granted written consent.

You may file a written complaint with the Birth to Three Early Intervention Dispute Coordinator at:

Birth to Three Program

<http://www.dhss.delaware.gov/dms/epqc/birth3/directry.html>

Herman M. Holloway, Sr. Campus
1st Floor, Main Administration Building
1901 N. DuPont Highway
New Castle, DE 19720

Phone: 302-255-9134

Fax: 302-255-4407

If you need any assistance in filing a complaint, do not hesitate to reach out to the Birth to Three Dispute Coordinator.

Once the Birth to Three Dispute Coordinator has received the complaint, the staff has 60 calendar days, unless exceptional circumstances exist, to:

- Investigate the complaint, including conducting an independent, on-site investigation, if necessary;
- Make an independent determination as to whether or not a violation of Part C of the IDEA has occurred after reviewing all relevant information; and
- Issue a written decision to the complainant that addresses each allegation in the complaint and that contains related facts and conclusions as well as the reasons for the final decision.

The individual or organization filing the complaint has the opportunity to submit additional information, either orally or in writing, about the complaint.

The EI Program or the service provider must be given an opportunity to respond to the complaint and there must be an opportunity for the person who filed a complaint and the EI Program or service provider to voluntarily engage in mediation.

If the final decision indicates that appropriate services were/are not being provided, the Birth to Three Dispute Coordinator must ensure that the EI Program will address how to remediate the denial of the services including, as appropriate, the awarding of monetary reimbursement

or other corrective action appropriate to the needs of the child and family. This must include procedures for effective implementation of the decision, if needed, including technical assistance activities, negotiations, and corrective actions to achieve compliance.

The Birth to Three Dispute Coordinator must also ensure the EI Program will address appropriate future provision of EI services for all infants and toddlers with disabilities and their families.

If a written complaint is received that is also the subject of a due process hearing or contains multiple issues, of which one or more are part of that hearing, the Birth to Three Dispute Coordinator must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not part of the due process action must be resolved within the 60-calendar day timeline using the complaint procedures described above.

If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties:

- The hearing decision is binding; and
- The Birth to Three Dispute Coordinator must inform the complainant to that effect.

Any complaint alleging an EI Program or EI service provider(s) failure to implement the details described in a due process decision must be resolved through actions by the Birth to Three Program.

Mediation

Mediation is a voluntary process and may only be used when both parties to the dispute agree to do so. You may ask for mediation when you disagree with your child's identification, evaluation results, eligibility for EI services, or the provision of services on the IFSP services.

With the help of an impartial mediator, you and the EI providers who work with your family have an opportunity to talk about the problem and discuss agreeable solutions.

A mediator is a qualified and impartial person who is required to undergo training in mediation techniques and is knowledgeable about the laws, regulations, policies, and procedures related to the provision of EI services. The Birth to Three Program is responsible for the cost of the mediation process, including the cost of the mediation.

A mediator:

- Is not an employee of any agency or program involved in providing EI services or care of the child or family;
- Does not have a personal or professional interest that would conflict with his or her objectivity in implementing the process;
- Is not an employee of an agency or program solely because the person is paid by the Birth to Three Program to implement the mediation; and
- Is selected on a random basis.

As a parent, you have the right to request or refuse to participate in mediation. If mediation is agreed upon by both parties, you have the right to:

- Have the mediation conference scheduled in a timely manner and held in a location that is convenient for you and others who will attend;
- Have all personally identifiable information maintained in a confidential manner;
- Receive a written signed (by you and a representative of the EI Program) mediation agreement that details the results of the mediation conference; and
- Have mediation discussions kept confidential and not used as evidence in any subsequent due process or civil proceedings, unless a party seeks to enforce the agreement.

Mediation cannot be used to deny or delay your right to a due process hearing or any other rights. You can request mediation alone when filing a complaint or simultaneously with a request for a due process hearing. You may refuse mediation or withdraw from the mediation process at any time.

A request for mediation must:

- Be in writing; and
- Signed and dated by you or, with your consent, your representative.

If you wish to file a request for mediation, it is the responsibility of the service coordinator and/or the EI

Program to assist you in your native language or other mode of communication to the maximum extent possible, to prepare the request in written form. If your primary mode of communication is sign language or Braille, the request can be made utilizing your primary mode of communication.

If any party other than you requests mediation on your behalf, it may only be initiated with your consent. Once your written consent has been obtained to engage in mediation, evidence of that written consent will be attached to the request for mediation. The EI Program or EI service provider's request that you agree to participate in mediation will be made in writing in your native language, to the maximum extent possible, and in a manner understandable to you.

Once the Birth to Three Dispute Coordinator receives your request for mediation:

- A mediator is appointed by the Birth to Three Dispute Coordinator within 10 working days;
- The Birth to Three Program covers the cost of the mediation;
- Each session in the mediation process is scheduled in a timely manner and must be held in a location that is convenient to the parties (parent and EI Program or EI service provider) to the dispute; and
- Within 30 calendar days from the date of the receipt of the request for mediation, if the disagreement is resolved through the process, a written mediation agreement is completed.

- The mediation agreement is legally binding and:
 - States that all discussions that occurred during the mediation process shall remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
 - Is signed by both the parent and a representative of the Birth to Three Program who has the authority to bind the agency to what has been agreed upon.

A written, signed mediation agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States.

Due Process Hearing

A due process hearing is a formal procedure that parents may use to resolve disagreements related to the EI Program's or service provider's proposal or refusal to initiate or change the identification, evaluation, eligibility, or the provision of appropriate EI services. Delaware has adopted the Part C due process hearing procedures consistent with Part C of IDEA, Sections 303.435-438.

At the due process hearing, a knowledgeable and impartial hearing officer hears your written due process complaint and decides how to best resolve it. The due process hearing must be completed, and a written decision issued, within 30 calendar days of the date the Birth to Three Dispute Coordinator receives your signed, written request. The due process hearing officer may grant an extension beyond the 30-day timeline at the request of either party.

Families may request a due process hearing by filing a complaint to the Birth to Three Dispute Coordinator at:

Birth to Three Program

<http://www.dhss.delaware.gov/dms/epqc/birth3/directry.html>

Herman M. Holloway, Sr. Campus
1st Floor, Main Administration Building
1901 N. DuPont Highway
New Castle, DE 19720

Phone: 302-255-9134
Fax: 302-255-4407

Upon receipt of the request for due process hearing, the Birth to Three Dispute Coordinator appoints a hearing officer, as soon as possible, who:

- Has knowledge about the provisions of Part C of IDEA and the needs of, and EI services available for, children and their families; and
- Performs the following duties:
 - Listens to the presentation of relevant viewpoints about the due process complaint;
 - Examines all information relevant to the issues and seeks to reach a timely resolution of the due process complaint; and
 - Provides a record of the proceedings at the cost of the Birth to Three Program, including a written decision of the hearing.

During the due process timeframe, your child will continue to receive the early intervention services identified on the IFSP that he or she is currently receiving, unless you and your IFSP team agree to a change. If your disagreement involves a new service that has not yet started, the service will not start until the hearing decision is made. Your child and family will receive the services identified on the IFSP that are not in dispute.

During a due process hearing, you have the right to:

- Have the due process hearing carried out at a time and place that is reasonably convenient to you;
- Be accompanied and advised by an attorney and/or individual(s) with special knowledge or training with respect to early intervention services for eligible children, at your own expense;
- Present evidence and confront, cross-examine, and compel the attendance of witnesses;
- Prohibit the introduction of any evidence at the proceeding that has not been disclosed to you at least five calendar days before the proceeding begins;
- Obtain a written or electronic verbatim transcription of the hearing at no cost to you; and
- Receive, within 30 calendar days after the date the request was received by the Birth to Three Dispute Coordinator, a written copy of the findings of facts and decisions at no cost to you, unless an extension was granted by the hearing officer.

Civil Action

If you feel that the dispute was not resolved by the due process hearing, you have the right to bring a civil action in state court within 30 calendar days of the decision or in federal court where there is no time limit.

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Definitions

Assessment means the procedures used initially before your child's first Individualized Family Service Plan (IFSP) and continuously throughout your child's period of eligibility for early intervention services, to identify:

- The unique strengths and needs of your child and the early intervention services appropriate to meet those needs; and
- Your resources, priorities, and concerns and the early intervention services necessary to enhance your capacity or that of other caregivers to meet the developmental needs of your eligible child within everyday routines, activities and places.

Birth to Three Program, within the Department of Health and Social Services (DHSS), is responsible for the general administration and supervision of the Early Intervention (EI) Programs and activities administered by agencies, institutions, organizations, and early intervention service providers receiving federal funds under Part C of IDEA.

Child Development Watch, with the DHSS, Division of Public Health (DPH), has the operational responsibility for the EI programs that carry out Part C in Delaware. These responsibilities include:

- Identification of Part C eligible children and their families
- Service coordination for Part C eligible families
- Evaluation for eligibility and family assessment

- Developing and maintaining the Individualized Family Service Plan
- Arranging for the delivery of early intervention services
- Preparing for and carrying out early childhood transition activities

Consent means that:

- You have been fully informed in your native language (unless clearly not feasible to do so) or other mode of communication about all information relevant to the activity(ies) for which consent is sought; and
- You understand and agree in writing to the carrying out of the activity(ies) for which consent is sought. The consent must describe the activity(ies) for which consent is sought and list physical documents and recorded information that will be released and to whom.

Your consent is voluntary and may be revoked in writing at any time. If you revoke consent, your revocation is effective on that day and does not apply to any actions that occurred before consent was revoked.

Destruction means the destruction of your child's physical and/or electronic early intervention record or ensuring that personally identifiable information is removed from your child's record so that the record is no longer personally identifiable..

Disclosure means access to, or the release, transfer, or other communication of, your child's early intervention records, to any party, by any means, including oral, written, or electronic means.

Due process hearing is the formal procedure carried out by an impartial hearing officer used to resolve a dispute involving an individual child or parent related to any EI matter within 30 days of receipt of the request for a hearing. Delaware has adopted the Part C due process hearing procedures consistent with Part C of IDEA, Sections 303.435-438.

Early intervention (EI) record means the early intervention record that is directly related to a child referred to the Delaware Infants and Toddlers Program and/or enrolled in EI services. The record is maintained by the Child Development Watch and/or its contractors for the purpose of evaluating and assessing a child referred to EI services and for the delivery of services.

Early Intervention (EI) services are those services identified in IDEA, Part C, that assist families in providing learning opportunities that facilitate their child's successful engagement in relationships, activities, routines, and events in everyday life. EI services are provided in the context of the family's typical routines and activities so that information is meaningful and directly relevant to supporting the child to fully participate in his or her environment.

Early Intervention (EI) Program provider means an entity (whether public, private, or nonprofit) or individual that provides early intervention services, whether or not they receive federal Part C funds.

Family Educational Rights and Privacy Act (FERPA) refers to the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99). It is a federal law that protects the privacy of EI records,

including access and disclosure of personally identifiable information, and parents' right to review, copy, and/or request amendments of their child's record.

Individualized Family Service Plan (IFSP) is the written plan developed by your family and the early intervention professionals involved with your family. The IFSP:

- Is based on an evaluation and assessment;
- Includes parental consent;
- Is implemented as soon as possible, and no longer than 30 days, after once parental consent for early intervention services in the IFSP is obtained; and
- Is developed in accordance with IDEA, Part C.

Individuals with Disabilities Education Act (IDEA) is the Federal statute (Public Law 108-446) that governs states' provision of early intervention and special education services to children with developmental delays or disabilities, ages birth through 21. IDEA has four "parts." Part C of IDEA defines early intervention services.

Mediation is a process used in which an impartial person helps to resolve a dispute involving any EI matter and finds a solution satisfactory to all sides.

Multidisciplinary evaluation means that the developmental evaluation of a child is done by more than one specialized professional who has different areas of training and experience, such as a speech language pathologist and a physical therapist. Part C of IDEA requires that, when determining eligibility, a child must have a multidisciplinary evaluation in all areas

of development (adaptive; cognitive; communication; physical, which includes fine and gross motor, vision, and hearing; and social-emotional).

Native language means the language normally used by the parent of the child, except for evaluations and assessments, during which the language normally used by the child is used to conduct the child's evaluation and/or assessment. Native language, when used with respect to an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, means the mode of communication that is normally used by the individual (such as sign language, Braille, or oral communication).

Natural Environments mean the day-to-day routines, activities) and places that promote learning opportunities for your child and family, in settings such as your family's home and community that are natural or typical for same-aged peers who have no disabilities.

Parent, within early intervention services means:

- The biological or adoptive parent of a child; or
- A guardian in a parental relation to the child authorized to act as the child's parent or authorized to make early intervention, educational, health or developmental decisions, but not the State if the child is under the jurisdiction of a court; or
- An individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative with whom the child lives, or an individual who is legally responsible for the child's welfare; or

- An educational surrogate parent who has been appointed in accordance with 34 CFR Section 303.422.

Prior written notice for EI services means written notice that is given to parents a reasonable time before the EI Program or any contracted provider proposes or refuses to initiate or change the identification, evaluation, or placement of the infant or toddler, or the provision of appropriate EI services to the child and family.

Service coordination is a variety of activities carried out by a service coordinator to assist a family to help coordinate the evaluation, IFSP, EI services, and transition when the infant or toddler leaves the EI program.

Surrogate parent means an individual appointed by the EI Program to act in the place of a parent in safeguarding an infant's or toddler's rights in the decision-making process regarding evaluation, assessment, development of the IFSP, delivery of EI services and transition planning.

State complaint procedures are those formal actions taken by Delaware's Infants and Toddlers Early Intervention Program to resolve a complaint lodged by an individual or organization regarding any agency or local service provider participating in the delivery of EI services that is violating a state or federal requirement.

Resources

Center for Appropriate Dispute Resolution in Special Education (CADRE)

576 Olive St, Suite 300, Eugene, OR 97401

Email: cadre@directionservice.org

Phone: 541-359-4210

Fax: 458-215-4957

Delaware Bar Association

<https://www.dsba.org>

405 N. King Street, Suite 100, Wilmington, DE 19801

Phone: 302-658-5279

Fax: 302-658-5212

Delaware Volunteer Legal Services

<https://www.dvls.org>

New Castle County: 302-478-8850

Kent/Sussex County: 888-225-0582

Email: tventresca@dvls.org

Disabilities Law Program

<http://www.declasi.org/disabilities-law-program>

New Castle County

100 W. 10th Street, Suite 501, Wilmington, DE 19801

Phone: 302-575-0660

Toll-Free: 800-292-7980

Disabilities Program: 302-575-0690

TTY: 302-575-0696

Fax: 302-575-0840

Office Hours: Monday–Friday, 9AM–5PM

Kent County

840 Walker Road, Dover, DE 19904

Phone: 302-674-8500

Toll-Free: 800-537-8383

Disabilities Program: 302-674-8503

TTY: 302-674-9430

Fax: 302-674-8145

Office Hours: Monday–Friday, 8:30AM–4:30PM

Sussex County

Georgetown Professional Park
20151 Office Circle, Georgetown, DE 19947

Phone: 302-856-0038

Toll-Free: 800-462-7070

Disabilities Program: 302-856-3742

TTY: 302-856-7491

Fax: 302-856-6133

Office Hours: Monday–Friday, 8:30AM–4:30PM

Governor’s Advisory Council for Exceptional Citizens

<https://gacec.delaware.gov>

Phone: 302-739-4553

Interagency Coordinating Council

Phone: 302-255-9134

Parent Information Center of Delaware

<https://picofdel.org>

Wilmington Office

404 Larch Circle, Wilmington, DE 19804

Phone: 302-999-7394

Toll-Free: 888-547-4412

Fax: 302-999-7394

Kent/Sussex Office

Georgetown, DE 19947

Phone: 302-856-9880

Toll-Free: 888-547-4412

Fax: 302-856-9882

The Special Education Partnership for the Amicable Resolution of Conflict (SPARC)

<http://www.ipa.udel.edu/crp/sparc.html>

Institute for Public Administration

180 Graham Hall, Newark, DE 19716

Phone: 302-831-8971

Fax: 302-831-3488

Kathleen M. Murphy, Policy Scientist, Coordinator

<https://www.bidenschool.udel.edu/ipa/serving-delaware/crp>

Email: kmmurphy@udel.edu

Frances M. Fletcher, Associate Policy Scientist – Conflict Resolution Program

Email: franf@udel.edu



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