Book 1: Family Rights

Book 2: Family Guide to EI

Book 3: Transition Guide

Parents & Children's Rights Come First

Federal laws protect the rights of parents and children:

- ✓ Individuals with Disabilities Education Act of 2004 (IDEA)
- ✓ Family Education Rights and Privacy Act (FERPA)

First Connections

Early Intervention [EI]

supporting infants, toddlers, and their families

Division of Developmental Disabilities Services

Children's Services

PARENT'S & CHILDREN'S RIGHTS

The federal law called the Individuals with Disabilities Education Act (IDEA) provides supports for children with developmental delay or disability. Part C of this law covers early intervention for infants and toddlers (birth to the third birthday) and guarantees certain rights, called "procedural safeguards," for families.

First Connections is Arkansas' Part C program for infants and toddlers with developmental delay or disability and their families.

From the time you are referred to First Connections until your child is ready to transition out of early intervention, you are a part of your child's team. No one is more important to a child's learning and development than the child's family. Knowing your rights will help you be an advocate for your child.

This booklet was written to give families an overview of their rights under IDEA and to explain these rights. However, should you have questions, do not hesitate to ask your service coordinator. Consider him or her your "Guide to EI." Throughout this booklet, you'll see references to sections of IDEA that look like this: §303.322. The symbol (§) stands for "section" and the number after the period is like a "chapter" or part of that section to help individuals find specific information in the IDEA legislation, if they choose.

If you would like a complete copy of the Individuals with Disabilities Education Act (IDEA), go to:

http://nichcy.org/laws/idea/partc

or request a copy from your early intervention service coordinator.

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Parent Involvement in Early Intervention

Overview: **Parent participation in the EI process is critical to a child's success. Intervention professionals partner with parents providing family members with developmental strategies to use within typical family activities. These strategies help the child learn new skills that increase the child's independence and active participation in home and community life, giving the infant/toddler multiple times each day to practice learning new skills in context. Service providers consult with parents about what is working and what is not working and provide regular progress reports.**

Parents are provided with a Parental Agreement for Participation in the Arkansas First Connections Early Intervention Program. The agreement details parent's rights to be a full and active participant in their child's intervention and outlines the parent's responsibilities as part of their child's intervention team.

Parent Obligation to Participate in Evaluation Process, Team Meetings and Program Planning (§303.13):

- Parents participate in the evaluation and assessment process, providing information about their concerns and goals for their child's learning, typical child and family activities, and their child's level of participation in typical activities.
- Parents are active participants and decision-makers in all team meetings to develop their child's goals and plan and to monitor their child's progress.

Parent Participation in Intervention:

- Services will occur where the child spends his/her time (home or other community settings) with the involvement of the child's typical caregiver(s).
- The child's caregivers participate in service sessions by working with intervention providers on developmental strategies to teach new skills within typical every day activities.
- Parents assist others who care for and work with their child to the best of their ability with the assistance of their early intervention team.

Program Data Collection Requirements:

- Parents obtain copies of the child's record and have the right to correct, amend, and/or edit the record as necessary. Parents of infants/toddlers participating in the program allow this data collection to occur and assist their intervention team in collecting data on the child's progress.

Participation in Quality Assurance Measures:

- The State of Arkansas has Quality Assurance measures to ensure that the program is carried out according to the First Connections guidelines. Parents agree to participate in interviews and home visits by First Connections staff as required.

Participation in Accountability Measures (Outcomes):

- The State of Arkansas has requirements built into the program to monitor the effectiveness of the services infants/toddlers receive. Parents allow their child to be assessed and evaluated when required to monitor child progress and to provide accountability measures.

Transition upon Completing the First Connections Program:

- Parents participate in planning for their child's transition when their child completes the early intervention program (at age three or before, if the child's progress indicates).

Parents have choices. When parents do not agree with participation requirements for early intervention under Part C of IDEA (First Connections), the intervention team provides information to assist the family in selecting a program that meets their needs and can make necessary referrals (with parental consent).

Parent Consent *§303.401*

For every child referred for an evaluation or enrolled in First Connections, there must be someone who can act on the child's behalf as a *parent*. Part C of IDEA says the following individuals can serve as a child's "parent" in early intervention:

- **A natural, adoptive, or foster parent**
- **A relative or other adult with whom the child lives**
- **An individual legally responsible for the child's welfare**
- **A guardian, but not the State if the child is a ward of the State** *(see "Appointing a Surrogate," pg. 16)*

IDEA's Definition of Consent:

"Consent" means that—

(1) The parent has been fully informed of all information relevant to the activity for which consent is sought.
(2)The parent understands and agrees in writing to the carrying out of activities.
(3) The parent understands that granting consent is voluntary on the part of the parent and may be revoked at any time.

Consent means "informed consent," showing that you have been fully informed (given complete information and explanations) before being asked to make a decision or grant permission (consent). This information is called ***Prior Written Notice*** *(see Prior Written Notice, page 4).* Your signature (your consent or written permission) means that you received the information in your preferred language or primary mode of communication before you made your decision *(see Native Language, page 5).* Your signature shows that you understand the action you are agreeing to. You have the right to have all of your questions answered before you give consent.

***Consent* is formal written approval or agreement indicated by your signature on a form or document or your electronic signature.**

You will be asked for consent before any action is taken that will involve your child or may affect your family. Some examples of times you'll be asked to give consent (permission) are:

- Before any information about your child or family is shared with anyone else
- Before your child is screened or evaluated
- Before early intervention services begin or are changed
- Before your public or private insurance is billed for services *(see, "System of Payments," pgs 9-10)*

If you do not consent, the early intervention program staff and providers shall make reasonable efforts to ensure that you:

(1) Understand the nature of the evaluation, assessment or services that would be available
(2) Understand that your child will not be able to receive the evaluation, assessment or services, unless you give consent
(3) Understand that you have the right to accept or decline services and that participation is voluntary

Since participation of infants and toddlers with disabilities and their families is voluntary, a parent may refuse an initial evaluation or assessment without the lead agency being able to use due process hearing procedures to challenge a parent's refusal (§303.420(c)). You can also change your mind at any time about accepting a service, evaluation or assessment without affecting other early intervention services. Once consent has been given, it may be cancelled in writing at any time.

NOTE: Parental consent is not required prior to disclosing personally identifiable information to the Division of Children and Family Services.

Prior Written Notice *§303.403*

***Prior Written Notice* is complete information and explanations (in writing) about an action First Connections is wanting to make that you are required to make a decision about, given to you before you are asked to give consent.**

Written notices must inform you about:

- The action being proposed or refused
- The reason for taking the action and
- All of the family's rights and the state's complaint procedures including timelines and how to file a complaint

(see "Consent," pgs 3-4)

You have the right to have the prior written notice explained to you, if needed, so that you fully understand it.

The notice must be provided in a reasonable time (no fewer than seven days) before:

- Any evaluation or assessment
- All meetings
- Changing the identification or placement of a child receiving early intervention services
- Beginning or making a change to services
- Refusing to provide a requested service

Native Language *§303.401, .403 & .421*

Native language **is the language or other method of communication used by a person of limited English proficiency, an individual who has a visual or hearing impairment or someone with no written language.**

Parents have a right to receive information in a way that they can understand. If a parent has a visual or hearing impairment, or has no written language, the mode of communication must be that normally used by the parent, such as sign language, Braille or oral communication.

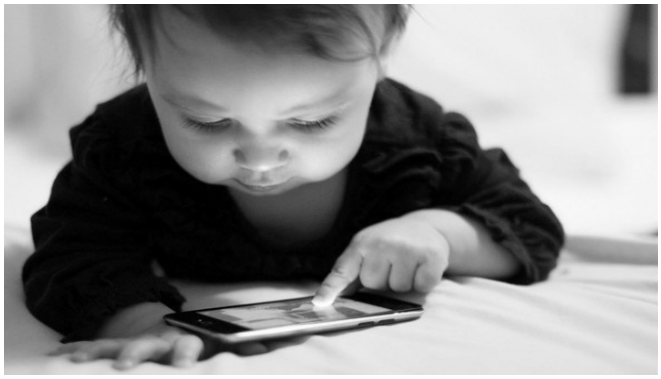
If the parent is limited-English proficient and/or the native language or mode of communication is not a written language, the public agency or designated service provider shall take steps to ensure that:

- The notice is translated orally or by other means to the parent in their native language or other means of communication
- Parents understand the notice
- There is written evidence that these requirements have been met (signed by the parent)

NOTE: §303.25 & §303.321 provide that all evaluations and assessments of an infant or toddler be conducted in the primary language of the infant or toddler (which may or may not be the native language of the parent(s)), if determined developmentally appropriate by qualified personnel conducting those evaluations and assessments.

Choice & Right to Decline Services *§303.420, 303.405*

First Connections, gives parents the right to choose providers of early intervention (EI) services and to change providers (and service coordinator). As the parent of a child eligible under Part C, you determine whether your child and family will accept or refuse any recommended early intervention service(s).



You may accept or decline (choose not to accept) services determined necessary on the IFSP for your child and/or family. You may request changes to any service or decline a service after accepting it without affecting current or future programming.

Records Review & Protection *§300.405, .410(a), .416, .560 -.576*

First Connections will keep a record that includes your child's IFSP, evaluation results, progress notes, and other information used to develop an IFSP. A federal law known as the Family Educational Rights and Privacy Act (FERPA) protects this information. Your child's records cannot be disclosed without your prior written consent (permission) unless authorized under FERPA. When parental consent is required under IDEA and/or FERPA, you do not have to give your permission, and refusing will not affect your child's right to receive early intervention services.

REVIEWING RECORDS: The parent must receive a copy of each evaluation, assessment, IFSP, or any other document used in the IFSP meeting at the IFSP meeting or as soon after the meeting as possible.

Parents have the right to review their child's records relating to evaluations and assessments, eligibility determinations, development and implementation of IFSPs and any other area involving records about the infant or toddler and/or the family. A parent's right to inspect and review records includes:

- The right to an explanation of the records, if needed
- The right to have someone else inspect/review the records
- The right to request copies and to receive them within ten days of request
- The right to request a list of the types and locations of records related to your child that the agency collects, maintains, or uses

Agencies may not charge a fee to search for, retrieve information, or provide additional copies of records.

AMENDING RECORDS: After viewing the file, if you believe information in the record is inaccurate or incomplete, you have the right to request the agency/service provider amend (change or add to) the information. If the program does not agree with you, it must notify you in writing within thirty (30) days, providing the reason they do not agree to amend the record and notify you (in writing) of your right to a hearing to challenge information in their child's early intervention record (*see "Complaint Resolution", pages 12-15).*

RECORD OF ACCESS: Agencies keep your child's records protected and must maintain a record (or "log") of anyone accessing early intervention records (except a parent or authorized agency personnel). The record must include:

- Name of party and position requesting access
- Date of access
- Purpose of access

DESTRUCTION OF INFORMATION: Records will be retained for five (5) years for each infant or toddler. When personally identifiable information is no longer needed and records are to be destroyed, agencies must inform the parent. The agency will attempt via US Mail to notify each parent whose infant's/toddler's records are to be destroyed. Additionally, a notice will be placed in the newspaper with the largest statewide circulation to inform the public that First Connections records for a specific year will be destroyed. The date of destruction and contact person will be included in the notice to fully inform parents. Notice will be provided in the native language of the various populations representative of Arkansas.

NOTE: A permanent record of each infant's/toddler's name, address, and phone number will be maintained on the electronic data base.

PII & Confidentiality *§303.7, .29, .402, .414-5, .420*

***PII* stands for "Personally Identifiable Information," any information, written or otherwise, that lists or describes characteristics making an individual's identity easily traceable.**

Personally Identifiable Information includes:

- The name and/or address of the infant/toddler, parent/s, or other family member/s
- A personal identifier, such as the infant's/toddler's or parent's social security number
- A list of personal characteristics or other information that would make it possible to identify the infant or toddler with reasonable certainty
- Photographic images

Parents must agree in writing before information from their child's electronic or written records is shared with anyone other than EI service providers that you have chosen.

Right to Evaluation/Assessment *§303.322*

***Evaluation** means the procedures used by appropriate qualified personnel to determine a child's initial and continuing eligibility.*

***Assessment** means the ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility.*

Infants and toddlers referred to First Connections have the right to a timely, comprehensive, multidisciplinary evaluation. Eligibility for early intervention is determined after the evaluation. The process is completed by a ***multidisciplinary*** team (two or more qualified specialists from different "disciplines" or areas of early intervention or one individual qualified in two areas) who not only conduct the comprehensive developmental evaluation but also gather information from you about your child's medical history, development, current strengths and challenges, likes and dislikes.

You have the right to participate in the evaluation process and to identify and express the needs of your family to appropriately assist in the development of your child. Your participation in Child and Family Assessment helps your intervention team plan learning strategies to meet identified family goals.

If your child is determined not eligible for services, you have the right to disagree and challenge that decision, *(see "Complaint Resolution," pgs.12-15).*

Individualized Family Service Plan & EI Services *§300.340-4*

For each eligible child, a written plan called the Individualized Family Service Plan (IFSP) is created with your family to record your goals for your child and family. The IFSP lists the services to help reach these goals and describes when, where, and how services will be delivered.

The EI service coordinator is a family's "single point of contact" to work with the family of an eligible child to receive and understand their rights and procedural safeguards. The ***"initial service coordinator"*** is the person who contacts the family shortly after referral to answer the family's questions and to guide them through the process of early intervention. Families have the right to remain with their initial service coordinator or to select another service coordinator to serve as their ***"ongoing service coordinator."*** A parent may choose to change service coordinators at any time, for any reason, but only one person may serve as service coordinator at any given time.

The service coordinator works closely with your family and EI service providers to create the Individualized Family Service Plan (IFSP), a written document stating your family's priorities and goals for your child's development developed by your family along with your team of EI professionals.

Families may invite anyone they wish to IFSP meetings. Parents are also involved in planning the date, time, and place of meetings at times/locations convenient to them. The full IFSP is reviewed at least every six months, but you may request a meeting at any time to review progress.
Your family's IFSP must:

- Be developed within forty-five (45) days of your referral for early intervention.
- Be individualized to reflect the major outcomes (results or goals) you want to see your child and/or family achieve
- Describe how progress will be measured
- Describe what services will be used to reach the outcomes selected
- State when services begin and how and where services will be delivered
- Identify pay source *(see, "System of Payments", pages 9-10)*.

Services listed on the IFSP for your child begin within thirty (30) days of your signature of consent. Transition planning starts shortly after the 2nd birthday; a transition plan and a transition conference must be completed at least three months (90 days) before your child's third birthday *(see "Transition at Age 3", pg. 11)*.

Right to Intervention in Natural Environments *§303.18*

"Natural environments" means settings in the community where all children live, learn, and play and are locations typical for the child's same-aged peers who have no disabilities.

Eligible infants and toddlers and their families have the right to receive early intervention in ***natural environments*** to the extent appropriate to meet the child's developmental needs and the family's priorities and goals recorded on the IFSP.

Natural environment is more than just the location of services – it is providing intervention strategies incorporated into the family's daily life and carried out by the child's caregivers within regular child and family activities. Children learn best through interaction with familiar people, in familiar places, and with lots of repetition in context. Early intervention in the natural environment assists families in learning strategies for maximizing every day learning opportunities to teach their child new skills that are practiced throughout the day. When goals cannot be met through intervention in the child's typical environment, the IFSP team provides written justification on the IFSP to explain why the child's outcome (goal on the IFSP) cannot be met in the natural environment in order to provide services in a clinic setting. The team also makes a plan to resume intervention in the child's natural environment when the child meets those goals.

System of Payments *§303.501, .510, .520-1*

Early intervention services provided to eligible infants and toddlers and their families are financed through multiple funding sources. Appropriate early intervention services will be provided to each eligible infant or toddler and their family at no cost to the family (public or private insurance may be billed).

Private insurance and public insurance (Medicaid), with parental consent, are used to pay for services for eligible infants and toddlers prior to the use of Part C funds. Part C funds are used for payment when there are no other available Federal, State, local or private resources. **An EI provider may not require a parent to sign up for or enroll in public benefits (Medicaid) as a condition of receiving Part C services.**

If the parent does not provide consent to bill private or public insurance (Medicaid), First Connections must still make available services to which the parent has provided consent on the IFSP necessary to reach functional child outcomes.

Any copays or deductibles related to an early intervention service(s) are covered by Part C funding. The following services may incur a copay or deductible:

- Assistive Technology Services/Devices
- Audiology Services
- Developmental Intervention (Special Instruction)
- Family Training, Counseling, & Home Visits
- Health, Nursing, or Nutrition Services
- Occupational Therapy
- Physical Therapy
- Psychological Services
- Sign Language and Cued Language Services
- Social Work Services
- Speech- Language Pathology Services
- Vision Services
- Other Part C early intervention services identified as needed on the IFSP

FUNCTIONS NOT SUBJECT TO FEES: IDEA entitles infants/toddlers to receive certain early intervention services at public expense (no cost to insurance providers):

- Referral (also called "Child Find")
- Service coordination
- A copy of all evaluation and assessment results and the current IFSP provided to the family either at the IFSP meeting/review or immediately after
- Other administrative costs

USE OF A CHILD'S OR FAMILY'S INSURANCE:

- EI service providers must obtain parent's consent to bill insurance (public or private).
- Parents must be given written notification of safeguards to protect their rights before using the child's or parent's public insurance to pay for services under the IDEA for the first time and once per year (annually) thereafter.
- Parents must be given a statement to inform them of their right to withdraw consent to disclosure of personally identifiable information to Medicaid at any time.
- If a child or family has private insurance and public insurance (TEFRA), providers must bill private insurance before using public insurance (Medicaid) of an infant/toddler or parent to pay for early intervention services according to Arkansas' Medicaid regulations.

PROTECTION PROVISIONS: An infant's/toddler's or parent's insurance cannot be used to pay for Part C services ***if that use would***:

- Count towards or result in a loss of benefits due to the annual or lifetime health insurance coverage caps for the infant or toddler with a disability, the parent, or the child's family members who are covered under that health insurance policy.
- Would negatively affect the availability of health insurance to the infant or toddler with a disability, the parent, or the child's family members who are covered under that health insurance policy, and health insurance coverage may not be discontinued for these individuals due to the use of the health insurance to pay for services under Part C of the Act.
- Be the basis for increasing the health insurance premiums of the infant or toddler with a disability, the parent, or the child's family members covered under that health insurance policy.

Transition §303.148

***Transition* is a process of change, of growth, of movement. Early Intervention under Part C of IDEA ends at the third birthday, though some children complete the program prior to age three and no longer need support. Transition planning helps families experience a smooth and coordinated change to another early childhood program that meets your child's needs.**

Transition planning must be completed at least ninety (90) days before your child's third birthday, so planning starts shortly after your child turns two (2) years old (or at entry into the early intervention program if your child joins the program after the age of 2). You'll be given a Family Guide to Transition booklet, *When I'm Three, Where Will I Be?*, to help you begin exploring options for your child and family. The booklet contains information about the transition process, tips to help parents prepare, questions to ask the professionals working with the family, and places to write down important contacts.

The Transition Process includes:

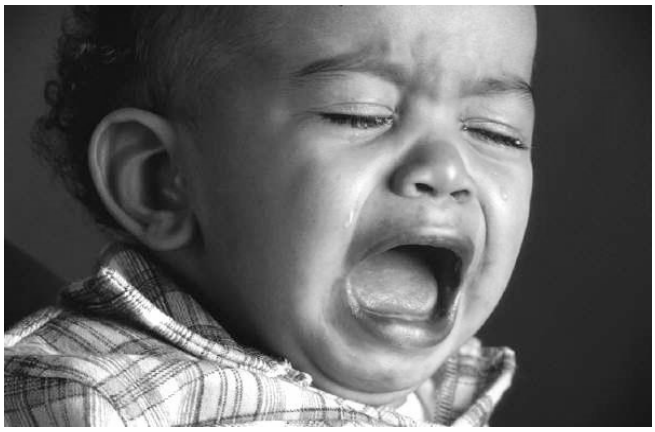
- Discussing and learning about options to meet your child's early childhood educational needs beyond the 0-3 program
- Creating a transition plan in the IFSP that will list steps, activities, and any services needed for your toddler's smooth transition to a new learning environment that meets your family's needs
- Notifying the local educational cooperative (this is called LEA Notification) that your child is approaching the age of three and may be eligible for (3-5) preschool special education services under Part B of IDEA. A representative from the LEA will contact your family to share information about their program, parent rights under Part B of IDEA, and the evaluation/assessment and eligibility determination process.
- Sending a referral packet containing your child's early intervention records and most recent IFSP sent to the local educational cooperative in the region your family lives (with parental consent for families interested in special education services under Part B).
- Holding a Transition Conference (no later than 90 days before your child's third birthday) to enable your family to explore options, get questions answered, and make plans to ensure a smooth transition and continuity of services for your child as he/she leaves early intervention and moves on to new learning adventures (with parental consent). The Transition Conference, with your consent, will include:

  A representative from a local educational cooperative (for families interested in preschool special education services under Part B)

  OR

  A representative from a 3-5 program of your choice to which your child might transition (for children not eligible for preschool special education services under Part B or for families not interested in a Part B referral).
- Completing exit requirements that measure the child's progress and celebrating successes!

Complaint Resolution *§303.419, .421-2, .431-4, .437, .448*



The goal of early intervention is to work with families in a Parent-Professional Partnership, so talking openly can address most concerns.

If you have a concern or a question, share it with the other members of your IFSP team, your service coordinator, or the EI Program Manager.

My Service Coordinator is:

_____

phone:_____

fax: _____

e-mail: _____

First Connections Program Manager
phone: 501-682-8158
fax: 501-683-4745
e-mail: info@firstconnections.org

You have the right to disagree. If your issue still isn't satisfactorily resolved after talking with your IFSP team, your service coordinator, or the First Connections Program Manager, or if you disagree with a decision that has been made, the law provides timely resolution of the disagreement by one (or all) of these methods:

- a formal written complaint
- a facilitated IFSP meeting
- mediation
- due process hearing

FILING A COMPLAINT: A parent or other individual or an organization may file a written, signed complaint with the Department of Human Services *(see next page "Filing a Complaint")* or the complaint may be made in person by recorded statement (deposition). **The alleged violation must have occurred not more than one year before the date that the complaint is received** unless a longer period is reasonable because:

(1) The alleged violation continues for that infant or toddler or other infants/toddlers
(2) The complainant is requesting reimbursement or corrective action for a violation that occurred not more than three years before the date on which the complaint is received by the public agency

The complaint must include:

A. **Statement of the violation:** You do not have to know specifically what law was violated, but you must explain what you believe the State has done wrong, e.g. "The therapist did not follow my infant's/toddler's IFSP."
B. **Facts upon which the allegation is based:** Describe what actually happened to lead you to believe the State has violated the law, for example, "My infant's/toddler's IFSP says he will receive 30 minutes of therapy per week, but the therapist stays for only 15-20 minutes for each visit."
C. **Proposed Resolution:** What you think would be a reasonable solution to the problem.

NOTE: *During a dispute, the child continues to receive services currently provided on the IFSP unless First Connections and the parents agree otherwise. If applying for initial services, the infant/toddler shall receive the services not in dispute.*

DEFINITIONS:

Facilitated IFSP Meeting is a voluntary, informal process where an impartial person (a mediator trained in special education law from Bowen Law School) participates in the IFSP team meeting to help everyone involved "be heard" so that the team can come up with a solution to resolve a disagreement. The IFSP meeting is conducted as usual and the result is an IFSP that meets the needs of the child that the team can agree to.

Mediation is a voluntary, informal process where an impartial person (the mediator) helps both parties come up with a solution to resolve a disagreement. The mediator draws up a contract that both parties have agreed to. Parents who choose mediation maintain more control of the process and still have the right to a due process hearing if their complaint cannot be settled through mediation.

A ***due process hearing*** is a formal legal process where an impartial person (a hearing officer) makes a decision about a disagreement after reviewing information/evidence from both sides. Parents may bring legal counsel or an early intervention specialist to accompany them. The decision of the hearing officer is binding for all parties.

Filing a Complaint
Arkansas Department of Human Services /
Division of Developmental Disabilities
Children's Services
First Connections
P. O. Box 1437, Slot N504
Little Rock, AR 72203
Phone: 501-682-8158
Fax: 501-683-4745

Facilitated IFSP Meeting (no cost to the family)
UALR Bowen School of Law
(501) 324-9939
toll free: 1 (866)-273-3959
online request form: http://ualr.edu/law/clinical-programs/mediation/request-for-mediation-early-intervention/

Mediation Services (no cost to the family)
UALR Bowen School of Law
(501) 324-9939
toll free: 1 (866)-273-3959
online request form: http://ualr.edu/law/clinical-programs/mediation/early-intervention-mediation-faq/

Due Process Hearing Request
Division of Developmental Disabilities Services (DDS)
First Connections Program Manager
phone number 501-682-8158
Or online from the Arkansas Department of Education's Special Education Web site:
https://arksped.k12.ar.us/sections/disputeresolution.html

FACILITATED IFSP MEETING (FIFSP) OR MEDIATION: FIFSP or mediation can be requested as first options for resolution or during a complaint or due process hearing process when and/or if the parent believes that mediation might be more appropriate. The Early Intervention Mediation Program is designed for families of infants/toddlers with disabilities up to age three. A trained facilitator (in FIFSP) or mediator (in mediation) works to help parents, providers, and service coordinators talk about the infant's/toddler's needs in a meeting place that is nearby, convenient, and comfortable for both parties. Facilitators and Mediators use effective problem-solving focused on the needs of the infant/toddler to guide all involved to a speedy, mutually agreeable resolution. Parents cannot be required to use either facilitation or mediation. Facilitation or mediation may not be used to deny or delay a parent's due process rights. FIFSP and mediation is provided at no cost to families, and both processes seek to foster and maintain productive partnerships between parents, providers, and service coordinators.

For more information call the Bowen School of Law's Early Intervention Mediation Program at (501) 324-9939 or toll free (866) 273-3959 or visit their Web site: http://ualr.edu/law/clinical-programs/mediation/early-intervention-mediation-faq/. The Mediation Hearing Request form may be obtained from your service coordinator or the form may be completed online at: http://ualr.edu/law/clinical-programs/mediation/request-for-mediation/

DUE PROCESS HEARING PROCEDURES: Generally a request for a hearing involves a specific infant or toddler under the age of three who has a developmental disability or delay and the infant's/toddler's family. A parent may request a hearing to resolve a complaint regarding a disagreement with the IFSP team decision or the lead agency's decision regarding evaluation, eligibility, and placement or programming issues.

Any party seeking state level action on a disagreement falling into the categories noted above may file a request for a due process hearing by filing a Due Process Hearing Request form. This form may be obtained from:

Division of Developmental Disabilities Services (DDS)
First Connections Program Manager
phone number 501-682-8160

Or, the form may be obtained online from the Arkansas Department of Education's Special Education Web site: https://arksped.k12.ar.us/sections/disputeresolution.html

A letter of request is accepted by the DDS First Connections Program Manager instead of a Due Process Hearing Request Form if all the pertinent information is included in the letter and the letter is signed by the person requesting a hearing. Information which must be incorporated into the letter includes:

- Name of the infant/toddler
- Date
- Indication of whether or not the parent wishes to participate in mediation
- Indication of whether the parent desires an open or closed hearing
- Description of the nature of the problem
- Proposed resolution of the problem
- Parent name and signature
- Parent contact information (address, phone)
- Name of legal (or other) representation
- Contact information for legal representation

The letter (or Hearing Request form) should be filed with:

Division of Developmental Disabilities Services (DDS)
First Connections Program Manager
Phone Number: 501-682-8158
Fax Number: 501-683-4745

Or the letter or form can be mailed to:
Division of Developmental Disabilities Services (DDS)
First Connections Program Manager
P. O. Box 1437
Little Rock, AR 72203

MAKING CHANGES OR CORRECTIONS TO A DUE PROCESS COMPLAINT:

Parents are allowed to amend (or change) their due process complaint notice without having to file a new complaint and begin the process again. The hearing office may allow modification of a due process complaint:

- So long as the amendment does not prejudice the other party
- If the other party consents in writing to the amendment and is given the opportunity to resolve the due process complaint through a meeting
- At any time not later than five days before the due process hearing begins
- By allowing the parent to withdraw the complaint, and re-file

PARENTS' RIGHTS IN ADMINISTATIVE PROCEEDINGS: Any hearing, due process action, or mediation will be conducted according to FERPA regulations to ensure that parent's rights are protected. If parents are involved in a complaint procedure they have the right to:

- Be accompanied and advised by an attorney retained at the parents' expense
- Be accompanied by an advocate and/or by individuals with special knowledge or training with respect to early intervention services for their infant or toddler
- Participate in the complaint resolution process at a time and place that is reasonably convenient for parents
- Receive notice of the date, time, and place of any meetings/hearings reasonably in advance
- Present evidence and call, confront, and cross-examine witnesses
- Prohibit the introduction of any evidence that has not been given to them at least five (5) days before the proceeding
- Obtain an exact written or electronic record of the proceeding
- Obtain written findings of facts and decisions

A resolution is required within sixty (60) days of receipt of a complaint but allows the due process hearing officer to grant time extensions at the request of either party in the event of exceptional circumstances such as:

- Pending evaluation/assessment
- Unavailability of witness/es
- Exceptional child/family circumstances

APPOINTMENT OF AN IMPARTIAL PERSON: An impartial person must be appointed to implement the complaint process. The *impartial person* appointed as due process hearing officer is an individual who:

- Is not an employee of First Connections or any agency or program involved in the provision of early intervention services or care of the infant or toddler
- Does not have a personal or professional interest that would conflict with his or her objectivity in this process
- Would not be considered an employee of an agency solely because the person is paid by the agency to implement the complaint resolution process
- Has knowledge of the provisions of Part C, and has knowledge about the needs of and services available for eligible infants/toddlers and their families
- Listens to the presentation of relevant viewpoints about the complaint, examines all information relevant to the issues, and seeks to reach a timely resolution of the complaint
- Provides to parents a record of the proceedings, including a written decision.

When There is No "Parent:" Appointing a Surrogate *§303.422*

An appointed surrogate parent is an adult who serves as an advocate to an infant or toddler receiving early intervention services in order to protect the child's rights by participating in the development of the IFSP and signing to grant consent for EI evaluations, assessments, and services.

When there is no adult in a child's life who fits IDEA's definition of "parent" *(see, "Consent," pg. 3 for a list)*, a ***surrogate parent*** is appointed to ensure the infant's or toddler's rights are protected. If First Connections (working in collaboration with other agencies involved with the infant/toddler) determines that the infant/toddler needs a surrogate parent, the lead agency must make every reasonable effort to appoint a qualified surrogate parent for the infant or toddler within thirty (30) days of the determination.

Duties of a Surrogate Parent: The appointed surrogate parent serves as an infant's/toddler's advocate for early intervention decisions affecting the child. A surrogate parent ***has no responsibility for the child's care or financial support*** but has many rights and responsibilities as far as the child's developmental/educational needs are concerned. A surrogate parent's duties are to:

- Be acquainted with the child's special developmental needs and his/her disability
- Understand and protect the rights of the infant/toddler
- Represent the child in all matters relating to the identification, evaluation, IFSP, service provision
- Represent the child in any due process proceedings (if applicable)
- Represent the child in all matters relating to the provision of a free appropriate public education (FAPE) at transition to early childhood special education program under Part B of IDEA

A surrogate parent has access to all early intervention records and represents the infant or toddler in all matters relating to:

- The evaluation and assessment of the infant or toddler
- The development and implementation of the infant's/toddler's IFSP, including annual evaluations and periodic reviews
- The ongoing provision of early intervention services to the infant or toddler
- Transition planning and the provision of FAPE to the infant/toddler
- Any other rights established under Part C of IDEA

In any situation in which a surrogate parent is acting on behalf of the child, the surrogate parent will be discharged when the child's biological parent is ready and able to resume involvement.

Criteria for Selecting a Surrogate: To best meet the needs of the infant/toddler determined to require a surrogate parent, the service coordinator consults with the public agency with whom care of the child has been assigned. The service coordinator may independently locate and select a surrogate parent from the community in which the infant or toddler resides or may contact the local educational agency (LEA), which maintains a list of individuals who have undergone training and certification to serve as surrogates. The person selected to represent the child's interest:

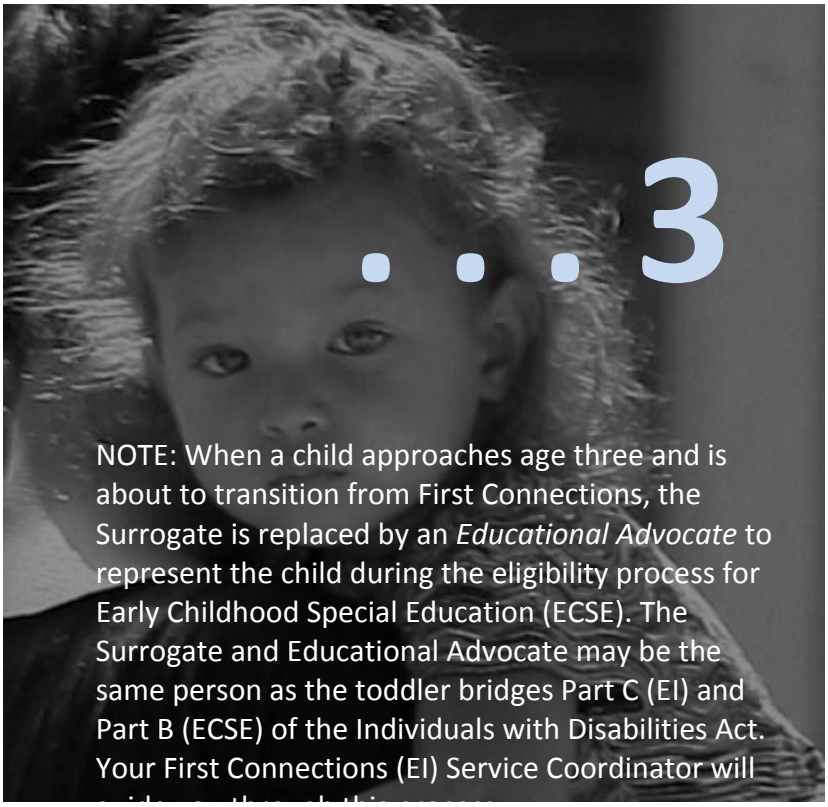
- Has no interest that conflicts with the interests of the infant or toddler
- Is not an employee of the lead agency, the SEA or LEA or any other agency involved in providing EI services, education, or care to the infant/toddler or his/her family
- Has received training in the duties and knowledge required to be a surrogate
- Has knowledge and skills to represent the child, including knowledge of the provisions of Part C
- (When feasible) Is of a similar cultural background and familiar with the infant's/toddler's disability and developmental needs

Training is offered to individuals who wish to serve as a surrogate parent.

After an individual has completed DDS Surrogate Parent Training, they may serve as a surrogate parent for any child.

The ideal surrogate parent:

- Understands the cultural and linguistic background of the infant/toddler
- Has the ability to communicate constructively and effectively
- Is committed to learning about the child's developmental needs and the EI program



NOTE: When a child approaches age three and is about to transition from First Connections, the Surrogate is replaced by an *Educational Advocate* to represent the child during the eligibility process for Early Childhood Special Education (ECSE). The Surrogate and Educational Advocate may be the same person as the toddler bridges Part C (EI) and Part B (ECSE) of the Individuals with Disabilities Act. Your First Connections (EI) Service Coordinator will

Notes Page

Sample Forms: Authorization to Bill Insurance

FIRST CONNECTIONS

MEDICAID AUTHORIZATION FORM

CHILD'S NAME:_____ BIRTHDATE_____

CHILD'S INSURANCE #:_____ CHILD'S MEDICAID # _____

PARENT(S)/GUARDIAN:_____

ADDRESS:_____ CITY, ZIP:_____

PHYSICIAN'S NAME:_____ PHONE #: _____

PROVIDER'S NAME: _____ PHONE #: _____

PRIMARY INSURANCE CARRIER*			
Policy Holder's Name:	DOB:	Relationship to Child:	Co-pay_____ Deductible_____
Mailing Address:			
Insurance Company Name: Phone #: ( )	Claim Address:		
Member Number:	Plan Name:		
Group Number:	Effective Date:		
Employer:	Employer's Address:		

Authorization *(please read and initial one selection only)*

I understand that early intervention services will be provided to my child, without delay, without regard to public (Medicaid) or private health insurance coverage status during the time frame of the IFSP. If the level of services increases during the duration of the IFSP, a new consent authorization form must be signed. Services to be provided are documented in the child's IFSP. Day Habilitation is not an early intervention service and is not covered under this agreement. Additional information regarding No-cost Protections for families participating in the First Connections program can be found on the back of this document.

_____**I give my consent.** I give my consent for First Connections providers to submit claims to Medicaid for covered services. I authorize Medicaid to make these payments to the First Connections provider. I authorize the release of any information from the First Connections provider to Medicaid as necessary to request payment of Medicaid benefits. I understand that I may revoke this permission at any time by notifying my First Connections Service Coordinator, _____ at _____.

_____**I do not give my consent.**

I certify that the information provided on this form is correct and agree that I will notify my First Connections Service Coordinator of any changes in this information.

_____ _____

Signature of Parent or Guardian Date

First Connections
No-cost Protections for Families

In general, Arkansas First Connections has established policies to ensure that appropriate early intervention services will be provided to each eligible infant or toddler and/or the family at no cost. Since appropriate services will be provided to an eligible infant or toddler and to his/her family at no cost to the parents, First Connections does not make use of sliding fee scales or determinations of ability/inability to pay. Therefore, there shall not be an instance where an eligible infant/toddler's parent will either be denied a service or service delayed based on a lack of consent or an inability to pay. Under no circumstance will a fee be imposed for non-disclosure of financial information or a parent charged disproportionately more than other parents.

An early intervention provider may not use Medicaid of an infant/toddler or parent to pay for early intervention services unless the early intervention provider has billed the family's private insurance according to Arkansas' Medicaid regulations and/or provided a written notification to the infant's/toddler's parents informing the parent of safeguards to protect their rights before an agency accesses the child's or parent's private insurance to pay for services under the IDEA for the first time and annually thereafter.

First Connections (Part C) funds are used when there are no other available Federal, State, local or private resources. Medicaid with parental consent is utilized for eligible infants/toddlers prior to the utilization of Part C funds. Therefore, the services, co-pays and deductibles for early intervention services listed on the IFSP which are not paid for by private insurance, or other funding may be requested from Part C funding.

The First Connections program is required by the Individuals with Disabilities Education Act (IDEA) to inform parents of the following no-cost protections regarding payment for early intervention services:

- Parents must provide prior consent to the First Connections program or the early intervention service provider before early intervention services can be billed to the parent's public insurance (Medicaid). **Please note: Day Habilitation is not an early intervention service under Part C of IDEA.**
- Parents cannot be required to enroll in Medicaid to receive early intervention services from the First Connections program.
- Early intervention services, as specified in the child's Individualized Family Service Plan (IFSP) and to which the parent has consented, cannot be denied due to a parent's refusal to allow Medicaid to be billed for such services.
- Parents must provide prior consent to the First Connections program or the early intervention service provider before a child's personally identifiable information (name, date of birth, policy number, and address) can be submitted for billing purposes.
- Parents have the right to withdraw their consent to disclose their child's personally identifiable information at any time without affecting the First Connections early intervention services their child is receiving as specified in their child's IFSP.
- Co-payments and deductibles are billable to First Connections Part C funding, as early intervention services are provided at no cost to the family. There is no lifetime cap or co-payments associated with billing Medicaid.

FIRST CONNECTIONS

PRIVATE INSURANCE AUTHORIZATION

CHILD NAME'S:_____ BIRTHDATE_____

CHILD'S INSURANCE #:_____ CHILD'S MEDICAID # _____

PARENT(S)/GUARDIAN:_____

ADDRESS:_____ CITY, ZIP:_____

PHYSICIAN'S NAME:_____ PHONE #: _____

PROVIDER'S NAME: _____ PHONE #: _____

PRIMARY INSURANCE CARRIER*			
Policy Holder's Name:	DOB:	Relationship to Child:	Co-pay_____ Deductible_____
Mailing Address:			
Insurance Company Name: Phone #: ( )	Claim Address:		
Member Number:	Plan Name:		
Group Number:	Effective Date:		
Employer:	Employer's Address:		

Authorization (*please read and initial one selection only*)

I understand that early intervention services will be provided to my child, without delay, without regard to private health insurance coverage status during the time frame of the IFSP. If the level/intensity of services increases during the duration of the IFSP, a new consent authorization form must be signed. Services to be provided are documented in the child's IFSP. Day Habilitation is not Early Intervention services and is not covered under this agreement. Additional information regarding No-cost Protections for families participating in the First Connections program can be found on the back of this document.

_____**I give my consent.** I hereby give my consent for First Connections providers to submit claims to my private health insurance for covered services. I authorize my private health insurance to make these payments to the First Connections provider. I authorize the release of any information from the First Connections provider to my private health insurance as necessary to request payment of benefits. I understand these costs may increase my premiums and may count against the lifetime cap of my private health insurance. I understand that I may revoke this permission at any time by notifying my First Connections Service Coordinator

_____**I do not give my consent.**

I certify that the information provided on this form is correct and agree that I will notify my First Connections Service Coordinator of any changes in this information.

_____ _____

Signature of Parent or Guardian Date

First Connections
No-cost Protections for Families

In general, Arkansas First Connections has established policies to ensure that appropriate early intervention services will be provided to each eligible infant or toddler and their family at no cost. Since appropriate services will be provided to an eligible infant or toddler and to his/her family at no cost to the parents, First Connections does not make use of sliding fee scales or determinations of ability/inability to pay. Therefore, there shall not be an instance where an eligible infant/toddler's parent will either be denied a service or service delayed based on a lack of consent or an inability to pay. Under no circumstance will a fee be imposed for non-disclosure of financial information or a parent be charged disproportionately more than a parent who does not have private insurance.

Private insurance with parental consent is utilized for eligible infants/toddlers prior to the utilization of First Connections (Part C) funds. Part C funds are used when there are no other available Federal, State, local or private resources. Pursuant to §303.510, the services, co-pays and deductibles for early intervention services listed on the IFSP which are not paid for by private insurance, or other funding may be requested from First Connections.

The First Connections program is required by Part C of the Individuals with Disabilities Education Act (IDEA) to inform parents of the following no-cost protections regarding payment for early intervention services:

- Parents must provide prior consent to the First Connections program or the early intervention service provider before early intervention services can be billed to the parent's private insurance. **Day Habilitation is not an early intervention service under Part C of IDEA and is not covered under this agreement.**
- Parents cannot be required to enroll in insurance to receive early intervention services.
- Early intervention services, as specified in the child's Individualized Family Service Plan (IFSP) and to which the parent has consented, cannot be denied due to a parent's refusal to allow their private insurance to be billed for such services.
- Parents must provide prior consent to the First Connections program or the early intervention service provider before a child's personally identifiable information (name, date of birth, policy number, and address) can be submitted for billing purposes.
- Parents have the right to withdraw their consent to disclose their child's personally identifiable information at any time without affecting the First Connections early intervention services their child is receiving as specified in their child's IFSP.
- Parents must be informed that billing their private insurance may affect the premiums and the lifetime cap of their policy.

ACKNOWLEDGEMENT OF RECEIPT

of

NOTICE OF PROCEDURAL SAFEGUARDS/PRIVACY PRACTICES

I, _____ (print name of legal representative of infant/toddler) have been given a copy of Parents' Rights under IDEA Part C governing early intervention to be provided through First Connections / DDS-Children's Services. I have had a chance to ask questions about my child's and family's rights and how my PHI (personal health information) will be used.

_____ _____

Client's Name (please print) **Date**

_____ _____

Signature of Legal or Personal Representative of Client **Relationship**

Explanation for lack of acknowledgement signature:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

cut or tear page here

Tear out this page from booklet. File the original signed copy in the child's case record.
Upload a scanned copy of this page into the child's CDS (electronic) record.

Key principles:

- Parents and family members are a child's first teachers; with supports and resources all families can enhance their child's learning and development.
- Infants and toddlers learn best in their natural environment through every day experiences and interactions with familiar people in familiar contexts with typically developing peers.
- All children, no matter what their physical, cognitive, or emotional level of development, need meaningful opportunities to develop skills, establish a sense of self, and lay a foundation for life-long learning.
- All children learning together fosters the potential of every child; children with disabilities have the right to play and learn alongside children without disabilities.
- The family and IFSP team collaboratively plans and writes strategies/activities, services, and supports to enhance the child's participation and learning in natural environments and every day activities, using the child's and family's strengths to overcome challenges and to accomplish goals that reflect family priorities for their child's development.
- Active family/caregiver participation in the early intervention process is critical to a child's development with support and training from qualified early intervention service providers.
- Early intervention is designed to meet the needs of infants and toddlers who have a developmental delay or disability while offering supportive services to the family, like parent education/training to help parents understand their child's developmental abilities in order to promote their child's development.

First Connections
DDS-Children's Services
2014