

Children's Integrated Services / Part C Early Intervention:

# Early Intervention and Parental Rights Booklet



Children develop differently and at their own pace. The period from birth to age three is a critical time in a child's development and an important time for parents to have accurate information and consistent support close at hand.

## **Part C Early Intervention can help**

Part C Early Intervention recognizes the importance of early intervention services for young children who have a delay in development or a health condition that may lead to a delay in development. You and your family know your child best and are the primary decision-makers for your child. You are in the driver's seat when it comes to identifying the services and supports required by your child and family. In partnership with you, the Part C Early Intervention brings together resources to meet your child and family's needs.

**Part C Early Intervention offers you opportunities to:**

- talk with other parents in your community
- consult with child development providers
- learn about the range of resources available

## **The Children's Integrated Services/Part C Early Intervention Program has a responsibility to protect families' rights.**

As a parent of a child who is being considered for eligibility or receiving services under Children's Integrated Services/Part C Early Intervention, you have certain rights which are protected by state and federal law.

This booklet explains these rights. The community resource parent or others on the core team will explain these rights and will be available to answer any questions you may have.

For a more complete copy of your rights, call or write Part C Early Intervention of Vermont for a copy of Parental Rights In Early Intervention:

Children's Integrated Services  
DCF/CDD 2 North  
280 State Drive.  
Waterbury, VT 05671-5500  
1-800-649-2642 and hit 0 (Voice)

## Gathering Information about Your Family

You and other members of the One Plan team will gather information about your child. The process of finding out more about your child and family is called evaluation and assessment.

Through an evaluation, you and other members of the One Plan team will find out if your child is eligible for early intervention services and will help plan for services and supports. You may also wish to talk about your hopes and dreams as a family. The information you gather will help you and others design services based on your family's priorities, strengths and needs.

This fact sheet summarizes your rights regarding evaluation and assessment.

### **Evaluation & Assessment - You have the right:**

- to have an evaluation of your child and family that is directed by you and designed by you and other members of the core team
- to decide what information about your family you wish to share during the evaluation
- to have the evaluation conducted by qualified individuals
- to an evaluation based on information about your child's medical history and current health, mental and physical development (including vision and hearing), communication skills, social or emotional development and adaptive skills, such as dressing and eating
- to an evaluation that includes suggestions and ideas for services and supports that would benefit your child

Your child's first evaluation must be completed within 45 days of the time he or she is referred unless your family needs more time.

If you and others decide your child needs services before the evaluation is completed, you have the right to an interim (temporary) One Plan.

You also have the right to an evaluation at no cost to you. With your permission, however, your health insurance carrier may be billed under the following circumstances:

- if your available life-time cap would not be affected
- if your other health insurance benefits would not decrease
- if your health insurance premiums would not increase
- if your policy would not be discontinued

## Your Family's One Plan

The One Plan is a written plan, designed by you and others, describing the services and supports your child and family needs and wants.

The One Plan is a flexible plan which changes as your child grows and develops.

This fact sheet summarizes information about your rights and the One Plan.

### **One Plan - You have the right:**

- to a One Plan that includes information about how your child is growing and developing
- to a One Plan that may include information about your family
- to a One Plan that describes early intervention services and the results you wish for your child and family
- to have early intervention services provided in a setting that is most natural or normal for your child and family's routines, such as home, child care or other community setting
- to a One Plan that describes the dates that services will begin and end and how often these services will be provided
- to review the One Plan every six months, or sooner to see what progress your child is making and to make any changes needed.

### **Meetings:**

At your One Plan meetings, you and other members of the core team will develop, review and/or change the plan. The following rules ensure that One meetings will work for families.

### **You have the right:**

- to participate in and be notified (in advance) about all One Plan meetings
- to have the One Plan meeting held at a time and place that is convenient for you
- to have the One Plan meeting carried out in the language or other form of communication you use, unless it is clearly not feasible to do so
- to bring anyone you choose to the meeting, such as a support person
- to have any information contained in the One Plan explained to you

- to have the first One Plan meeting within 45 days of referral, unless your family needs more time

A meeting must be held **at least once a year** to review the One Plan. You may ask, however, for a meeting at any time.

## Your Child's Records

You are an important source of information for the individuals who work with your family. In addition to you, others who may provide information about your child may include his or her pediatrician, early interventionist, child care provider, or physical or occupational therapist.

Information gathered about your family becomes part of your child's records. To make sure that your family's privacy is respected, there are federal and state rules which protect the confidentiality of records and guarantee you access to this information.

### **Records - You have the right:**

- to know that your child's and family's records are confidential
- to know the type of information an agency needs to collect about your child
- to know where this information is kept
- to have information in the records explained to you
- to review your child's records "without unreasonable delay" (within 10 days) or before a meeting or hearing about your child's eligibility for services, evaluation or One Plan at no charge.
- to request that information in your child's records be changed or removed if you believe it is wrong, misleading or violates your privacy
- to ask for a hearing if an agency refuses to change the records
- to include a written statement as part of your child's records describing any disagreement you have with any of the information
- to see information only about your child

### **Confidentiality - You have the right:**

- to give permission in writing for others to see your child's records, under most circumstances
- to be informed when an agency no longer needs to keep information in your child's records

Your child's records include a form that lists who has seen the records, the date and the reason for review. If you have questions about confidentiality, please contact your service coordinator.

## Developmental Services

Some children enrolled in Part C Early Intervention may be eligible for assistance through the Developmental Disabilities Services Division. Services are applied for through a local Community Developmental Services Designated Agency. Early Intervention and Developmental Services are part of a comprehensive approach to delivering coordinated services and supports for infants and toddlers with disabilities and their families.

Young children (under age 7) are considered eligible under the Division's definition of developmental disability if they have "a condition so severe that it has a high probability of resulting in an intellectual disability;" or "a condition of clearly observable and measurable delays in cognitive development and significant and observable and measurable delays in at least two of the following areas of adaptive behavior: communication, social/emotional development, motor development, daily living skills"; or "a pervasive developmental disorder resulting in significant and observable and measurable delays in at least two of the following areas of adaptive behavior: communication, social/emotional development, motor development, daily living skills."

The most common types of assistance a family might apply for and receive are Flexible Family Funding, Respite, and Medicaid Home and Community-Based Services.

Funding through the Developmental Disabilities Services Division is discretionary and not an entitlement. Funds are allocated based upon the priorities outlined in the Developmental Disabilities Services Division's System of Care Plan. For Medicaid Home and Community-based, the System of Care Plan identifies these priorities:

- Preventing Institutionalization – Nursing Facilities: On-going, direct supports and/or supervision needed to prevent or end institutionalization in nursing facilities when deemed appropriate by Pre-Admission Screening and Resident Review (PASRR). Services are legally mandated.
- Preventing Institutionalization – Psychiatric Hospitals and ICF/DD: On-going, direct supports and/or supervision needed to prevent or end long term stays in inpatient public or private psychiatric hospitals or end institutionalization in an ICF/DD.

## Getting Notice & Giving Your Consent:

To make sure you know about and agree with your child's early intervention services, federal and state rules require that you are notified and your written consent is received before services can begin for your child and family.

### Notice - You have the right:

- to be notified before changes occur in your child's eligibility, evaluation or placement for early intervention services
- to have the notice describe what actions are planned and why they are planned
- to be notified before the start or refusal of early intervention services for your child
- to be notified in writing in the language or other type of communication you use

### Consent - You have the right:

- to give your written consent before an agency conducts your child's evaluation and/or before your child receives early intervention services.
- to let your service coordinator know that that you wish to withdraw your consent before your child's first evaluation is completed
- to give your written consent for any changes in your child's One Plan, such as adding, deleting or changing the frequency of their intervention services.
- to withdraw your consent for a specific service (other early intervention services your child or family is receiving will continue to be provided)
- to withdraw your consent when you no longer want your child or family to receive early intervention services

## When You Have Concerns or Disagree

As parents, there are informal steps you can take when you feel your child's services are not working or need to be changed. These steps include talking to your service coordinator, contacting the person providing services for your family, requesting a meeting with the team working with your child and asking for a meeting of the Children's Integrated Services/Early Intervention Advisory Team in your region.

When you cannot work out the problem informally and are uncertain what steps to take, you may call (802) 871-3113 or 1-800-649-2642 and hit 0 to talk to a staff member of Children's Integrated/Early Intervention Services who can listen and work with you toward resolving the problem.

## Mediation

You and the individuals who work with your child have the right to request mediation when you disagree with an agency or service provider regarding your child's identification, evaluation, eligibility, early intervention services or payment for early intervention services. With the help of a mediator, you and the individuals who work with your child have an opportunity to talk about their side of the problem. A mediator is a neutral person who is experienced in helping people work out disagreements. Both the family and individuals providing services must agree to mediation.

To request mediation, write or call:

Children's Integrated Services  
DCF/CDD 2 North  
280 State Drive.  
Waterbury, VT 05671-5500  
1-800-649-2642 and hit 0 (Voice)

### **You have the right:**

- To mediation at no cost to you
- To request mediation as a first step or at any point before or during a due process hearing or administrative complaint
- To a list of qualified mediators
- To have the mediation session scheduled at a convenient time and place
- To have the written mediation agreement and all that is said during mediation kept confidential
- To end mediation at any time

## Due Process Hearing:

You have the right to request a due process hearing to resolve differences regarding your child's identification, evaluation, eligibility, early intervention services or payment for early intervention services.

In a due process hearing, each participant will present information about their side of the disagreement. The impartial hearing officer makes a decision based on this information and other information from the law.

To request an impartial due process hearing, write or call:

Children's Integrated Services  
DCF/CDD 2 North  
280 State Drive.  
Waterbury, VT 05671-5500  
1-800-649-2642 and hit 0 (Voice)

### **Due Process - You have the right:**

- to be represented by an attorney
- to have the hearing scheduled at a convenient time and place
- to give evidence, ask questions and have witnesses present
- to receive a written or an electronic record of the hearing at your own expense
- to have your child continue to receive early intervention services until the hearing officer makes a decision
- to receive the hearing officer's written decision within 45 days after your request for a due process hearing

### **Appealing a Due Process Hearing:**

You and the other participants have the right to appeal a due process decision by filing a civil action in a federal or state court. After the hearing officer makes a decision, you have 90 days to appeal. If you do not respond within 90 days, you may lose your right to appeal the decision.

During the appeal process, your child continues to receive early intervention services.

You have the right to review all the hearing records.

# Administrative Complaint

As parents, you have the right to make a written administrative complaint when you disagree with an agency or service provider. Consulting staff from the Agency of Human Services and/or the Vermont Agency of Education will follow up on your complaint and will provide you and the other participants with an opportunity to give more information. Within 60 days after you make the complaint, you will receive a written decision from the Secretary of Education or the Secretary of the Agency of Human Services.

To file an administrative complaint, write or call:

Children's Integrated Services  
DCF/CDD 2 North  
280 State Drive.  
Waterbury, VT 05671-5500  
1-800-649-2642 and hit 0 (Voice)

Forms are available from the Part C Early Intervention or the Vermont Department of Education to assist families in requesting a due process hearing, or an administrative complaint investigation. You will be asked to provide the following information: your child's name, address and the region where your child receives early intervention services, the nature of the problem or disagreement, and how the problem might be resolved.

## For More Information About Your Rights Please Contact:

**Vermont Family Network (VFN)**  
600 Blair Park Road, Suite 240  
Williston, Vermont 05495-7589  
(802) 876-5315 or 1-800-800-4005 (Voice)

**Children's Integrated Service/Part C Early Intervention**  
Children's Integrated Services  
DCF/CDD 2 North  
280 State Drive.  
Waterbury, VT 05671-5500  
1-800-649-2642 and hit 0 (Voice)

**Vermont Agency of Education**

**Family and Educational Support Team**

219 North Main Street, Suite 402  
Barre, Vermont 05641  
(802) 479-1030 (Voice)

**Disability Law Project (DLP)**

P.O. Box 1367  
Burlington, VT 05402  
1-800-889-2047 or (802) 863-2881 (Voice & TTY)

**Disability Law Project (DLP)**

P.O. Box 606  
Montpelier, VT 05601-0606  
1-800-789-4195 or (802) 223-6377 (Voice & TTY)

**Disability Law Project (DLP)**

57 North Main St., Suite 2  
Rutland, VT 05701  
1-800-769-7459 or (802) 775-0021 (Voice & TTY)

**Disability Law Project (DLP)**

56 Main Street, Suite 301  
Springfield, Vermont 05156  
1-800-769-9164 or (802) 885-5181 (Voice & TTY)

**Disability Law Project (DLP)**

177 Western Avenue, Suite 1  
St. Johnsbury, VT 05819  
1-800-769-6728 or (802) 748-8721 (Voice & TTY)

## **Glossary of Terms**

**Early Intervention Services:** services provided to babies, toddlers and families through the **One Plan**. Early intervention services may include home visits, special instruction, speech pathology and audiology, occupational and physical therapy, psychological services, health services necessary for the child to benefit from other early intervention services and service coordination.

**Eligible child:** a child, birth to three years old.

**Evaluation & Assessment:** a process for gathering information to see how your child is growing and developing and if he or she may be eligible for early intervention services.

**Host Agency:** the location of Part C Early Intervention Services in your area.

**Identification:** the process schools and agencies must go through to find children who have special needs and may be in need of early intervention services.

**One Plan:** a written plan, designed by you and others, describing the services your child and family needs.

**One Plan Team:** a team made up of you (the parent(s)), your family's service coordinator, your child's early interventionist, and others who may be providing early intervention services.

**Part C (Early Intervention – Individuals with Disabilities Education Act):** a federal program designed for children birth to three years of age who need early intervention services because they are experiencing developmental delays or have a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay. In Vermont this is called Children's Integrated Services/Early Intervention (CIS/EI)

**Service Coordinator:** the individual who arranges, or who may assist you in coordinating your child's services (Parents can choose to be their own service coordinator).