

Rights and Regulations in Early Intervention

Within the Infant & Toddler Connection of Virginia Part C Early Intervention System, parents/caregivers have the following rights and safeguards:

- The opportunity for a multidisciplinary evaluation for eligibility determination and, if eligible, assessment and the development of an Individualized Family Service Plan (IFSP) within forty-five (45) calendar days from referral;
- If eligible under Part C, the opportunity to receive appropriate early intervention services¹ for your child and family as addressed in an IFSP;
 - 1 In Virginia, "appropriate early intervention services" are determined through the IFSP process. The IFSP must include a statement of the specific early intervention services necessary to meet the unique needs of the child and the family to achieve the outcomes identified in the IFSP. Federal regulations define early intervention services as services that "are designed to meet the developmental needs of an infant or toddler eligible under Part C and the needs of the family to assist appropriately in the infant's or toddler's development."
- The opportunity to receive evaluation for eligibility determination, assessment, IFSP development, service coordination, and procedural safeguards at no cost. You may, however, be charged for other early intervention services based on your ability to pay as determined using ability to pay mechanisms outlined in the Facts About Family Cost Share section of this document. Inability to pay will not prevent your child or your family from receiving early intervention services;
- The right to accept or refuse evaluations for eligibility determination, assessments, and services;
- The right to be invited to and participate in all meetings in which a decision is expected to be made regarding a proposal to change the identification, evaluation, or placement of your child, or the provision of services to your child or family;
- The right to receive written timely notice before a change is proposed or refused in the identification, evaluation, or placement of your child, or in the provision of services to your child or family;
- The opportunity to receive each early intervention service in natural environments to the extent appropriate to meet your child's developmental needs;
- The right to maintenance of the confidentiality of personally-identifiable information;
- The right to obtain an initial copy of your child's early intervention record at no cost;
- The right to receive a copy of each evaluation for eligibility determination, assessment, and IFSP as soon as possible after each IFSP meeting and at no cost;
- The right to review and, if appropriate, correct records;
- The right to request mediation and/or impartial due process procedures to resolve parent/provider disagreements; and
- The opportunity to file an administrative complaint.

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Written Prior Notice

Written prior notice must be given to parents/caregivers within a reasonable time (five [5] calendar days) before a local participating agency/provider proposes or refuses to initiate or change the identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and family. The notice must be sufficiently detailed to inform parents/caregivers about:

1. The action that is being proposed or refused;
2. The reasons for taking the action;
3. All procedural safeguards that are available under Part C; and
4. The state's mediation, complaint and due process hearing procedures, including a description of how to file a complaint and the timelines for those procedures.

The notice must be:

1. Written in language understandable to the general public and provided in parents'/caregivers' native language unless clearly not feasible to do so;
2. If parents'/caregivers' native language or other mode of communication is not a written language, the local participating agency/provider shall take steps to insure that:
 - The notice is translated orally or by other means to in parents'/caregivers' native language or other mode of communication;
 - Parents/Caregivers understand the notice;
 - There is written evidence that the requirements of this section have been met; and
 - If parents/caregivers are deaf, blind, unable to read, or have no written language, the mode of communication must be that normally used by parents/caregivers (such as sign language, Braille, or oral communication).

Parental Consent

Consent means that:

1. Parents/Caregivers are fully informed of all information about the activity(s) for which consent is sought. This information is provided in parents'/caregivers' native language or other appropriate mode of communication, unless clearly not feasible to do so;
2. Parents/Caregivers understand and agree in writing to the carrying out of the activity(s) for which parents'/caregivers' consent is sought, and the consent describes the activity(s) and lists the early intervention records (if any) that will be released and to whom; and
3. Parents/Caregivers understand that the granting of consent is voluntary on your part and may be revoked at any time. If parents/caregivers revoke consent, that revocation does not apply to an action that took place before consent was revoked.

Other Rights/Regulations

1. Eligibility Determination (unless there is documentation of a medical diagnosis or physical impairment) and Assessment for Service Planning are completed by a multi-disciplinary team.

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- Multidisciplinary* means professionals from at least 2 different disciplines or professions. Under the federal law, one individual who is qualified in more than one discipline or profession meets the definition of *multidisciplinary* for eligibility determination and assessment for service planning.
- 2. IFSP reviews are held every six months and upon request. A new IFSP is written annually.
- 3. IFSP services are to begin within 30 days of parent consent unless the IFSP documents the team planning a later start date. (Delay of start of services for family reasons is allowable)
- 4. Parent Consent is required for eligibility determination, assessment for service planning and initiation of services.
- 5. Notice of Action is sent to family/caregivers of children with Medicaid when:
 - a. Parent/Caregiver is requesting a specific early intervention service, or a specific frequency, length, intensity (individual/group), location or method of delivering services that the rest of the team does not agree is necessary to achieve the outcomes identified on the IFSP
 - b. Child is being discharged
 - c. If child is found ineligible
- 6. IFSP documents a transition plan to support the child and family/caregiver in planning for when the child exits the program.