

#12: *When do I give the family Written Notice of Parent's Rights and Notice of Privacy Practices brochures?*

Response:

The Ohio Department of Health, in its capacity as lead agency for the Early Intervention Program, is responsible for the general administration and supervision of county early intervention service providers, including the monitoring of all activities necessary to implement all requirements under the federal Individuals with Disabilities Education Act (IDEA). Parents participating in the Ohio Help Me Grow Early Intervention Program have the right to inspect and review early intervention records pertaining to their child and family. Documentation should be up-to-date and readily available at any time for review by the parent and appropriate federal, state or local public agencies responsible for oversight of the Ohio Help Me Grow Early Intervention program.

The Parents Rights in Ohio Help Me Grow Early Intervention brochure must be given to all families who are enrolled into the Help Me Grow Early Intervention program. The Parent's Rights brochure provides a succinct list of rights all parents enrolled in Help Me Grow Early Intervention are afforded. It is the responsibility of the Service coordinator to ensure all parents enrolled into Help Me Grow Early Intervention are aware of and understand their rights. The brochure also outlines how families participating in Help Me Grow Early Intervention can file a complaint with the Ohio Department of Health if they believe their rights have been violated. The rights explained in the brochure are a mandate of the Individuals with Disabilities Act. (34CFR303; 560-576).

The Family Educational Rights and Privacy Act (FERPA) is the federal law that protects the privacy of student education records. FERPA protections apply to student special education records under IDEA and to early intervention records under Part C of IDEA.

FERPA and IDEA do give parents certain rights pertaining to their children's early intervention records (these rights extend through children and youths' educational experience and transfer to students when they reach 18 years of age or attend school beyond high school). These federal rights apply to information from all of the following within early intervention:

- Evaluations and assessments;
- Screenings;
- Eligibility determinations;
- Development and implementation of IFSPs;
- Individual complaints dealing with the child; and
- Service Provider Records;
- Any other area under the Early Intervention Program involving records about the child and the child's family.

The procedural safeguards required by the Individuals with Disabilities Education Act (IDEA) are intended to protect the interests of families and children within the early intervention systems. Procedural safeguards are the checks and balances of the system, not a piece separate from the system.

Service Coordinators and early intervention service providers are legally obligated to explain procedural safeguards to families; and to support an active adherence to and understanding of these safeguards for all involved.

The Help Me Grow program includes procedural safeguards to protect the rights of parents and children. Parents must be informed about these procedural safeguards as defined under federal regulations at 34 CFR 303.400-438, including dispute resolution options at 34 CFR 303.430-438, so that they can be actively involved and have a leadership role in the services provided to their child and family.

The Notice of Privacy Practices brochure is an official notice of the procedural safeguards of children and families as defined under federal Part C regulations; specifically about protected health information. Service Coordinators are responsible to provide families with this brochure during their initial contact with the family. Service Coordinators must explain to families that the Help Me Grow Early Intervention program must be compliant with both IDEA and FERPA. Families need to understand that their private information will be protected. However, information may need to be shared with other professionals on occasion. Parents must be informed of this, and provide written consent on form HEA 8019 the Help Me Grow Consent to Release and Share Information form.

Procedural safeguards represent one of the most important protections for children and families within the Help Me Grow early intervention program. Federal regulations recognize that families need to be involved personally every step of the way. Providing families with the procedural safeguards and explaining their Parent's Rights helps ensure that families are involved in the decision-making process regarding services for their child. Rather than being a stand-alone activity, procedural safeguards are best explained to families throughout their program participation.

Authorizing Rule:

- 3701-8-10 and 3701-8-10.1 and 3701-8-10.2