

Section 7: Procedural Safeguards

Introduction

Parents have rights, known as procedural safeguards, which apply to every aspect of the early intervention process, including:

- Evaluation;
- Access to records; and
- Individualized Family Services Plan (IFSP) team participation.

These parental rights and procedural safeguards are provided in the *EARLY ACCESS PROCEDURAL SAFEGUARDS MANUAL FOR PARENTS*. A shorter version with talking points to explain parental rights is provided in the *FAMILY RIGHTS SUMMARY*.

A parent retains all rights and procedural safeguards, unless his/her authority to make educational decisions on behalf of an eligible individual has been limited or terminated by a court.

Requirements for sharing rights

A copy of the *Early ACCESS Procedural Safeguards Manual for Parents* **must** be given to the family of a child:

- Upon initial referral or parental request for evaluation and
- Then only once a year thereafter.

A copy **must** also be given to the family:

- Upon the first occurrence of the filing of a complaint
 - Upon request by a parent [281–120.66(2)c].
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Parent definition

In working with children and families, it is critical to understand the definition of parent for the purpose of processing signed consent for Early ACCESS and other decisions [281–120.4].

Parent means:

- A biological or adoptive parent of a child;
 - A foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent [*Note*. The Departments of Education and Human Services are currently reviewing this issue to determine whether such a barrier exists.];
 - A guardian generally authorized to act as the child’s parent, or authorized to make education decisions for the child (but not the State if the child is a ward of the State);
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Parent definition (continued)

- 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
- A surrogate parent who has been appointed. See blocks below for surrogate parent definition and procedures.

Note. This definition aligns with Part B’s definition (20 U.S.C. 1439(a)(5)).

Question of custody and guardianship

Custody and control of a child may be assigned by parents or courts to the Iowa Department of Human Service or to a private agency. Such assignments may be made on a temporary or long term basis. Under extreme circumstances, the court may terminate the parental rights and give the Department of Human Services, another agency, or person the responsibility for the care of the child.

Note. Signatures from employees of Department of Human Services will not be accepted for Early ACCESS parent signatures.

Guide for determining parent

When there is a need to obtain written parental consent, every attempt must be made to obtain the signature of a legal parent, likely the biological or adoptive parent. The following chart provides examples of exceptions to circumstances:

If...	And...	Then...
The parents’ whereabouts are unknown	The court has appointed a legal guardian (i.e., a person who is legally responsible for the child’s welfare)	This person may sign the consent form
The parents’ whereabouts are unknown	And the child has a foster parent	Foster parent may be able to sign the consent form; if not, consider other alternatives (e.g. appointment of surrogate)

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Guide for determining parent (continued)

If...	And...	Then...
The whereabouts of the child's parents are unknown.	The child is living with a relative (step-parent, grandparent, etc.) or another adult who is responsible for the child's welfare	The relative meets the Part C definition of "parent" even if no guardianship is in place and may sign consents, etc.
A person other than the parent is appointed the child's guardian.	The order appointing the guardian allows the guardian to make educational decisions.	The guardian may sign consents, etc.
Parents are not divorced.	There is no court order	Signature for consent may be obtained from either parent
Parents are divorced	Have been granted joint custody	Signature for consent may be obtained from the either parent
Parents are divorced	One parent is granted sole custody	Signature for consent is obtained from the custodial parent
Parents are unmarried	There is no court order	Signature for consent may be obtained from either parent
Parents are unmarried	Have been granted joint custody	Signature for consent may be obtained from either parent
Parents are unmarried	One parent is granted sole custody	Signature from consent is obtained from the custodial parent
The biological or adoptive parent is attempting to act as the parent <i>Note.</i> Except as provided in next row	When more than one party is qualified under prior parent definition to act as a parent	Must be presumed to be the parent for purposes of this section unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

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Guide for determining parent (continued)

If...	And...	Then...
A judicial decree or order identifies a specific person or person under the parent definition to act as the “parent” of a child or to make educational decisions on behalf of a child	-	Such person or persons shall be determined to be the “parent.”
Two biological or adoptive parents are acting as a child’s parents	Each has equal decision-making power concerning the child’s education	The IFSP team makes a decision in the child’s interest, and gives prior written notices to both parents

Note. It is advisable to request a copy of the most recent court order to verify the legal status of the child in regard to guardianship, or to verify legal status in regard to custody.

Surrogate parent definition

A surrogate parent is an individual who acts in place of a parent in protecting the rights of a child in the Early ACCESS decision-making process [281–120.68].

A surrogate parent, for the purposes of Early ACCESS planning and programming, is considered when:

- No parent can be identified (refer to definition of “parent” in 281—120.4);
- The public agency, after reasonable effort, cannot locate any parent;
- The child is a ward of the State (appointment of a surrogate may not be necessary if a person meeting the definition of “parent” is available for the child); or
- The child is an unaccompanied homeless youth under the McKinney Vento Homeless Assistance Act.

The surrogate parent has the same rights and responsibilities as birth or adoptive parents in the educational process (i.e., provides signed consent, participates in IFSP meetings, etc) [281—120.68(3)].

Surrogate parent procedures are not intended to circumvent the rights and responsibilities of the legal parent.

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Who may serve as surrogate parent?

The law sets forth the following criteria for appointment as a surrogate parent [281—120.68(2)]. The person must meet the following standards before appointment as a surrogate parent.

- Has no interest that would conflict with the interest of the child that the surrogate parent represents;
- Has knowledge and skills that ensure adequate representation of the child; and
- Not be an employee of any state agency (such as the Departments of Education or Human Services) or a person or employee providing early intervention services to the child or to any family members of the child. (A person who otherwise qualifies to be a surrogate parent is not an employee solely because the person is paid by a public agency to serve as a surrogate parent.)

Surrogate parent procedures

There are four steps for designating a surrogate parent as provided in the following table.

Note. Procedures are similar to Part B procedures.

Step	Action
1	The Regional Grantee determines that a surrogate parent is needed for a child.
2	The IFSP team and/or the Service Coordinator recommend an “eligible surrogate parent” candidate to the AEA Director of Special Education for appointment as an individual’s surrogate parent.
3	The AEA Director of Special Education selects the surrogate parent for Early ACCESS purposes. The Director contacts the Department of Human Services Regional Administrator to ascertain whether the proposed surrogate parent has any conflicts of interest.
4	The AEA Director of Special Education appoints the surrogate parent by letter. <ul style="list-style-type: none"> • The letter must contain the individual’s name, age, educational placement and other information about the individuals determined to be useful to the surrogate parent, and must specify the period of time which the person shall serve. • A copy of the letter is sent to the Department of Education.

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Native language and use of interpreters

The AEA ensures that parents understand the information shared at a meeting [281—120.38]. Therefore, an interpreter may be needed as the team communicates with individuals who speak a language other than English or who are deaf or hard of hearing. This communication may include:

- Telephone calls;
- Notifications of meetings;
- Meetings; and
- Home visits.

Early ACCESS rules require the following for prior written notices [281—120.66(3)].

The notice must be:

- Written in language understandable to the general public; and
- Provided in the native language of the parents unless it is clearly not feasible to do so.
- If the native language or other mode of communication of the parent is not a written language, the Service Coordinator shall take steps that ensure that:
 - The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
 - The parent understands the notice; and
 - There is written evidence that these notice requirements have been met.
- If a parent is deaf or blind, 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).

The primary role of interpreters and translators is to be a conduit for oral and written communication between individuals who have different communication methods (i.e. sign language) and English-speaking personnel. An interpreter conveys information from one language orally while a translator conveys information in writing.

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Documentation of interpreters/translators

When a foreign or sign language interpreter/translator is needed for communication between a family and other IFSP team members, the Service Coordinator is to:

- Document the family's language on the Intake/Referral;
 - Document the family's need for interpreter/translator services with family information as Agencies/Programs Involved, and
 - Describe the interpreter's services to be provided on the Outcomes tab in the Strategies box. These services are NOT to be documented as Interpreter Services (IN) under the Services tab. Only interpretive services for children deaf/hard of hearing are to be documented as an Early Intervention (EI) service.
 - List the interpreter as a Meeting Participant on the IFSP Meeting Details tab, if an interpreter is present at the IFSP meetings.
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Informed consent defined

In order to give consent, all of the following conditions must be met [281—120.66(1)]:

- The parent must be fully informed in their native language or other mode of communication of all information relevant to the activity for which consent is sought.
- The parent understands and agrees in writing to the carrying out of the activity, for which consent is sought, and the consent describes the activity and lists the records, if any, that will be released and to whom the records will be released.
- The parent understands that the granting of consent is voluntary on the part of the parent, and may be revoked at any time.

Parents have the right to refuse evaluation, assessments, and early intervention services. If parental consent is not given, a Prior Written Notice must be completed and the Service Coordinator must make reasonable efforts to ensure that a parent:

- Is fully aware of the nature of the evaluation or assessment or the services that are available.
- Understands that the child will not be able to receive the evaluation and assessment or services unless signed consent is given [281—120.67(1)].

Note. See Native language and use of interpreters block on prior page(s).

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When informed parental consent is required

Parent consent is obtained before:

- Initial evaluation and assessment activities occur [281—120.67].
- The child and family can receive Early ACCESS services [281—120.67].
- Release of records at transition to services other than Part B [281—120.59].
- Using public or private insurance to pay for any services [281—120.82].
- Release of documents with personally identifiable information with anyone other than the child/family’s current IFSP team members. **Note.** Personally identifiable information cannot be exchanged between agencies or service providers, unless such disclosure is allowed under the Individuals with Disabilities Education Act (IDEA) and Family Education Rights and Privacy Act (FERPA) [281—120.65.1].

Note. Parent consent is not required to transfer records from Part C to Part B for a child who is eligible and transitioning to Part **B** services.

Exception regarding consent for services

If a parent does not provide consent with respect to a particular early intervention service or withdraws consent after first providing consent, that service will not be provided. The early intervention services for which parental consent is obtained must be provided [281—120.41].

Prior written notice (PWN) introduction

Prior Written Notice is a safeguard to protect families. It requires public agencies and service providers to inform and involve parents before decisions are made or implemented that will affect the child and family.

The Service Coordinator must ensure that adequate Prior Written Notice is provided to parents within a reasonable time before the agency or service provider proposes or refuses to initiate or a change in the:

- Identification
- Evaluation
- Placement of the child; or
- Provision of appropriate Early ACCESS services to the child and/or the child’s family [281—120.66].

Note. When listing services to be provided on the Prior Written Notice (under the 2. An explanation...), Service Coordination is to be included in the list of “Early ACCESS services”.

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PWN - informed parent requirements

The completed Prior Written Notice must contain sufficient detail to inform the parent of the following:

- Action that is being proposed or refused
- Reasons for taking the action
- Reference to all procedural safeguards that are available to the child and family and
- State complaint procedures, including a description of how to file a complaint and the timelines.

Note. State complaint procedures are already printed on the PWN [281—120.66(2)].

When PWN is required

Service Coordinators are to provide Prior Written Notice in the following circumstances:

- Before evaluations are conducted or not conducted (included in Consent for Evaluation with Prior Written Notice)
 - Before determination of, or change in eligibility
 - Before any substantive changes to the provision of services listed on the IFSP (e.g., change in location, amount of time, mode of delivery, etc.)
 - Before the initiation or termination of a service
 - Upon a change in placement in Early ACCESS (e.g. transition to another program) [281—120.66(1)].
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When PWN is not required

Prior Written Notice is not required in the following examples:

- Change in a qualified service provider/coordinator, but not in actual service provided;
 - Change in location of service not controlled by agency or service provider, e.g., foster care, hospitalization, or family move; or
 - Change in outcomes that do not affect services being provided.
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Records definition

Records mean those documents that are maintained by a provider or agency that are directly related to the child and any information pertaining to an eligible child that is shared [281—120.65].

Since Early ACCESS is legislated through IDEA, the records are considered educational records. Any information admitted to the record, including health information becomes part of the educational record and is protected under FERPA.

Personal notes kept only by the maker or the maker's substitute and used only as a memory aid are not considered part of the educational record if they are not shared in any way. Once someone else has knowledge of the personal notes, they cease to be private and are part of the educational record.

Record documents

As of July 1, 2010, records are in an electronic format within the web IFSP and include but are not limited to:

- Referral/Intake
- Consents
- Authorizations for release of information
- Prior Written Notice
- Service Coordinator and Service Provider logs
- Assessment and screening protocols intermingled with or containing personally identifiable information
- Evaluation reports, supplementary reports and other information to determine eligibility and continued eligibility for Early ACCESS.

Note. Although most Early ACCESS records are maintained electronically, the law's definition of education records includes records maintained in any form, including paper records [281—120.4; see also 34 CFR pt. 99].

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Documents excluded from record documents

- Personal notes of Service Coordinators/providers that are accessible only to the maker or substitute, that have been used only as memory aids and have not been shared with anyone.
- Assessment or screening protocols that do not contain personally identifiable information.

Note. Even if a protocol does not contain personally identifiable information, an AEA must respond to a request to review the protocol. Additionally, the AEA must provide an explanation or interpretation of test results, which may require allowing the parent to inspect a test protocol that does not contain personally identification information. *Letter to Anonymous*, 213 IDELR 188 (OSERS 1989).

Maintenance of records requirements

The official copy of the active IFSP is maintained by the agency providing service coordination and copies are provided to the parent(s). Service Coordinators and providers may access the web IFSP as needed. Documents maintained as part of the educational file are protected under Family Education Rights and Privacy Act of 1974 (FERPA).

Storing active records

The child's official educational record is maintained by the AEA due to Regional Grantee responsibilities for Part C. If parts of the educational records are stored outside of the AEA office, a note is placed in the AEA file indicating where such records can be found. For records stored outside of the AEA office, AEAs must ensure that all official educational record documents are submitted to the official record in a timely manner.

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Maintaining active and inactive educational records over time

AEAs maintain active and inactive files for Part B (3-21) and C (birth to 3). Once inactive, the official education record, including all IFSP documents is maintained by the AEA.

The following table provides guidance on what to do with files after child exits Early ACCESS.

When	And...	Then...
Child leaves EA	Is eligible for Part B	EA record continues as the child's official ongoing education record and is maintained as an active Part B record
Child leaves EA	Is not eligible for Part B	AEA treats it as inactive file for 5 years after child's third birthday
Five years has passed since child left EA and did not go on to Part B services	-	Parent is notified by AEA that s/he can pick up a copy of the record and AEA destroys the original record.
The above notified parent does not pick up the record by the date provided in the notice	-	AEA destroys the record <i>Note.</i> Each AEA has discretion to establish what a reasonable time would be (e.g. 60 days).

Note. Regional grantees may retain a permanent record of students who participate in Early ACCESS services (see 281—41.624(2)), even if parents request destruction of information.

Note. Service Coordinators who have been storing their Early ACCESS Service Coordinator and Service Provider log sheets must turn in all log sheets to the child's record when the child exits Early ACCESS (when paperwork with Final Exit Reason Code is turned in).

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Parent confidentiality rights

Parents have the right to confidentiality of their child's personally identifiable information. Personally identifiable information includes:

1. Name of the child, the child's parent, or other family member;
2. Address of the child;
3. A personal identifier, such as the child's or parent's social security number; or
4. A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty [281—41.610].

Early ACCESS agencies shall comply with the requirements of FERPA and IDEA, which are described in the next block.

Note. Although parent permission is needed to release personally identifiable information, this excludes directory information.

- Designated directory information for Early ACCESS is only the eligible child's name.
- Release of the eligible child's name allows the Service Coordinator to communicate with the referral source (using only the child's name) without parental permission.

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Parent rights regarding records

Parents have the right to be informed regarding the following:

- Location of records, and the policies and procedures regarding the maintenance of records;
- Right to examine the child's Early ACCESS records related to evaluation and assessment, eligibility determination, development and implementation of IFSPs, and individual complaints regarding their child [281—120.65(2)]. This right to examination includes the right to have records explained. It includes a right to copies of records if needed for the parent to examine the records. It also includes the right for the parent to have a representative examine those records [281.41.613(2)]. When a record includes personally identifiable information about more than one child, the right to inspect only includes the portion of the record relating to the parent's child.
- Procedural safeguards if they disagree with an education record, including a right to request a hearing [281—41.618 to 41.621].
- There are more rights, which are explained in state and federal special education rules [281—41.610 *et seq.*].

Note. Each public agency shall maintain a record of those who access Early ACCESS records, including name of the party, date of access, and reason for access. This does not apply to (1) parents accessing their child's record or (2) authorized agency employees [281—41.614].

When a child transitions to Part B, parents are informed:

- The IFSP is part of the child's ongoing educational record;
- The school district and AEA has access to these records; and
- Records are released to other agencies or providers only with the signed consent of a parent.

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Dispute prevention and resolution procedures

Parents have the right to utilize administrative and judicial process to resolve complaints, including the right to the procedures regarding:

- Individual child complaints and
- Requirements of Part C not being met [281—120.69].

There are four mechanisms to help parties prevent, avoid, and resolve Early ACCESS disputes. They are:

- The AEA Resolution Facilitator Process
- Mediation [281—120.70]
- The State Complaint Process [281—120.69]
- The Due Process Complaint Process (also referred to as a “Request for Due Process Hearing”) [281—120.71].

Each of these is described below.

If disagreements with the Regional Grantee (AEA) or Signatory Agencies (DHS, DPH, CHSC) lead to impasse, parents or public agencies may utilize due process procedures as listed in the *PROCEDURAL SAFEGUARDS MANUAL FOR PARENTS* (281—120.69). The following steps should be followed:

Step	Action
1	AEA personnel contact their AEA Special Education Director for assistance.
2	If a difference of opinion exists, parties should be apprised of their options to resolve their concerns (resolution facilitation, mediation, etc.).
3	The <i>Early ACCESS Procedural Safeguards Manual for Parents (2006)</i> must be given to parents at this time.
4	An explanation of parental rights should be provided to parents by the AEA Regional Director of Special Education or Service Coordinator.

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Resolution facilitation definition

Resolution Facilitation is a way to resolve differences instead of, or before, using formal proceedings provided by the State. The process helps to clarify the problem and helps everyone involved work together to find an agreement which is acceptable to all.

A Resolution Facilitator assists in resolving differences regarding early intervention services and concerns between parents, public agencies and private service providers.

If differences arise, open discussion is the first step toward mutual understandings. A third party can provide an objective review of both parties' concerns in support of a successful conclusion. The Resolution Facilitator is trained in mediation and serves as that objective third party.

- The Resolution Facilitator may be a neutral party from within the Regional Grantee (AEA), or if necessary, someone from another Region;
 - The Resolution Facilitator service is provided at no cost to parents or service providers; and
 - The AEA Director of Special Education or designee is responsible for assigning the Resolution Facilitator.
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How to access resolution facilitator

Contact your AEA Special Education Director to access a resolution facilitator.

A complete list of Resolution Facilitators is available at http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=612&Itemid=1580

Complaint filing requirements

An organization or individual may file a signed, written complaint with the Department of Education [281—120.69].

- The complaint must allege that the violation occurred not more than one year prior to the date that the complaint is received.
 - The complaint must involve one of the Signatory Agencies or the Regional Grantee AEA involved with the provision of Early ACCESS services.
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Complaint filing requirements (continued)

- The party filing the complaint must forward a copy of the complaint to the AEA as the Regional Grantee serving the child at the same time the party files the complaint with the Iowa Department of Education.
- After investigating the complaint, the Department of Education issues a written decision which addresses the allegations and includes findings of fact and conclusions reached.

Note. The first time a parent files a complaint, a copy of the *Early ACCESS Procedural Rights Manual for Parents* must be given to the parents. See example form in manual for filing a complaint.

Mediation

Parties may choose to resolve a dispute through a voluntary mediation process.

Mediation allows parties to attempt to voluntarily resolve disputes about:

- Proposal or refusal to initiate the identification, evaluation or placement of a child;
- Proposal or refusal to change the identification, evaluation or placement of a child;
- Proposal or refusal to initiate the provision of appropriate early intervention services to the child and the child's family; or
- Proposal or refusal to change the provision of appropriate early intervention services to the child and the child's family [281—120.70].

Mediation is voluntary on the part of all parties and conducted by a qualified and impartial mediator who is trained in effective mediation techniques. Mediation can occur at any time, even prior to the filing of a due process hearing request. An agreement reached by the parties must be provided in a written mediation agreement.

Note. Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings.

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How to access mediation

The Iowa Department of Education:

- Maintains a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.
- Selects mediators on a random, rotational, or other impartial basis.
- Bears the cost of the mediation process, including the costs of meetings with a disinterested party when the choice is to not use mediation.

To access a mediator, contact your AEA Director of Special Education.

More information about mediation is available at

http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=612&Itemid=1580

Due process hearing requirements

A parent or a public agency may initiate a hearing on any decision relating to the identification, evaluation, placement or provision of Early ACCESS services to a child.

The due process hearing is chaired by an independent administrative law judge (ALJ) who is not an employee of the Iowa Department of Education or the public agency involved in the education of the child. The hearing decision is final unless a party brings an appeal in state or federal district court.

Parent Rights During Due Process. The parents have the following rights [281—120.71(3)]:

- Accompanied and advised by counsel and/or by individuals with special knowledge or training about Early ACCESS services;
- Present evidence;
- Confront and cross-examine witnesses;
- Compel the attendance of witnesses;
- Prohibit the introduction of any evidence not disclosed to the parent at least five days before the hearing;
- Obtain a verbatim transcription of the hearing proceedings (either written or electronic); and
- Receive a decision, which shall include findings of fact.

“Stay-Put” Rule: While a due process hearing is pending, unless the parent and public agency agree otherwise, the child must continue to receive the Early ACCESS services currently being provided. If the dispute is about initial services, the child shall receive those services not in dispute [281—120.71(5)].

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Due process hearing requirements (continued)

Specific procedures for due process hearings are outlined in the *IOWA ADMINISTRATIVE RULES FOR EARLY ACCESS* [281—120.71].

How to file request for hearing

The request for an impartial due process hearing must:

- State the name and address of the residence of the child,
- Identify the Regional Grantee AEA and the partnering agency of complaint,
- Provide a description of the nature of the problem of the child and how this relates to the proposed initiation or change, including the facts related to the problem, and
- Identify a proposed resolution of the problem.

Note. Request is sent to: Director of Education, Iowa Department of Education, Grimes State Office Building, 400 E 14th Street, Des Moines, IA 50319-0146.

Consent for evaluation requirements

The *Consent for Evaluation with Prior Written Notice* is a signed agreement that allows the Service Coordinator to begin to gather developmental information and consider additional evaluation needs of the child [281—120.67(2)].

Consent for an Early ACCESS evaluation is documented with parent signature on the *Consent for Evaluation with Prior Written Notice*. Consent for initial evaluation is the only time the Consent for Evaluation with Prior Written Notice must be signed by the parent. For other subsequent evaluations while the child remains in Early ACCESS, a *Prior Written Notice* is needed.

Parental rights and procedural safeguards must be reviewed at this time. The name and agency of the person reviewing the rights with the parents must be documented and dated.

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Authorization to exchange information requirements

The Early ACCESS *Authorization for Exchange of Information* is used to obtain the parent(s) permission to share information between Early ACCESS team members and community agencies/providers who are not on the IFSP team [281—120.65] .

Under FERPA regulations, an Exchange of Information is **not** required among Early ACCESS IFSP team members that are actively involved in the IFSP team. This allowable exchange goes across Early ACCESS agencies on the IFSP team – it does not matter if the Service Coordinator and providers are from different agencies. The *Authorization for Exchange of Information* is required for anyone that is not a part of the IFSP team.

The authorization pertains only to the child and cannot be used to request information for more than one member of a family. For each member of the family that information is requested, a separate authorization must be completed.

Parents are allowed the option to indicate specific information they want shared with individuals, programs, organizations, or services. The information for the release must be specified (e.g., evaluation for EA services, assessment, IFSP planning etc.). Written copies of reports, etc. are to be sent to the Service Coordinator.

Note. FERPA allows for the sharing of personally identifiable information through electronic means among IFSP team members without parental consent. For example, a team can communicate by email, a web-based document, etc. Parents may also elect to receive notices, etc., by email or other means. Because Early ACCESS implements family centered principles, Service Coordinators are to inform families when teams intend to share information through electronic means (email, web-based tools, etc.).

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Special release permissions

Specific authorization is required for the release of the following special information:

- mental health,
- sexually transmitted disease,
- substance abuse/chemical dependence, or
- HIV/AIDS records.

The following table indicates how to document parent’s decision regarding release of special information.

If parent/family member ...	Then ...
Wants special information released	<ul style="list-style-type: none"> • Parent initials the line/box by the requested record. • If “Other” is chosen, specify type of record.
Does not want special information released	The line/box is left blank.

Release of health information requirements

The *Early ACCESS Release of Health Information* is used to obtain the parent(s) authorization for the Service Coordinator to obtain health information. This form is specifically for the release of health information and meets Health Insurance Portability and Accountability Act (HIPAA) requirements for the release of private health information. The Service Coordinator ensures that the health information will be properly maintained as part of the IFSP.

More health release of information requirements and guidance

The following table provides additional requirements and guidance for release of health information.

Requirement	Guidance
The release pertains only to the child (or other family member named on the release).	The form cannot be used to request information for more than one member of a family.

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More health release of information requirements & guidance (continued)

Requirement	Guidance
The types of records being requested are to be specified on the form.	The release of very specific health information allows for more family control. Due to the size of record, it may be unrealistic to request the release of an entire record (e.g. newborn intensive care hospitalization record).
For each member of the family that information is requested, a separate release must be completed.	Example: To obtain mental health information on the child's mother, a separate release must be completed listing the mother's name.
A separate form is required for each health provider, agency, or medical institution.	The same form cannot be copied and sent to multiple providers/agencies.
The dates of the health information record(s) requested must be completed.	This may be from date of birth to present or for specific clinic visits or hospitalizations.
The release of special information (e.g. mental health, substance abuse, HIV/AIDS, etc.) allows the health care provider listed to provide the Service Coordinator with written information requested.	This health information becomes part of the IFSP and is available and can be reviewed by all members of the IFSP team and later by school districts if the child receives Part B services.

Authorization for Medicaid reimbursement

Families have the right to consent or not consent to the release of personally identified information on their child's IFSP to Iowa Department of Human Services Medical Program or their contractor on the *Parent/Guardian Authorization Form For Medical Reimbursement For IFSP Services*. This form is a federal requirement. Parent/Guardian consent is to be obtained after parent consent for IFSP services and is valid for one year, as long as services in the IFSP do not change. If the IFSP is rewritten and the amount, duration, or scope of a Medicaid service changes, then a new consent must be obtained.

This consent is to be obtained only for children who already are on Medicaid or who are in the application process.

Continued on next page

Section 7: Procedural Safeguards, Continued

Consent for evaluation and authorizations durations

Consent for evaluation and authorizations for release of information are valid for a maximum of one year.

- Parents may choose to have the release expire prior to one year. In that event, the expiration date needs to be specified.
- If a date is not inserted, the authorization will automatically expire one year from the date of signature.

The authorization is voluntary and may be revoked in writing; however, this does not affect information shared prior to revocation.
