

# Parents' Rights Summary

**As a parent or guardian, you have rights that guarantee you and your child certain privileges under the federal law, Individuals with Disabilities Education Act (IDEIA), part C. A full description of procedural safeguards is included in your Parents' Rights, Responsibilities, and Resources booklet.**

## **The Right to Timely, Comprehensive Evaluation**

With your written, informed consent, your child will receive an evaluation that considers all areas of development and is used to establish eligibility for services. Consent is given after you are fully informed of, and understand what you are consenting to. Your consent is voluntarily and you may revoke the consent at any time. If you do not give consent, your child will not be evaluated or receive services.

## **The Right to Prior Notice So You Can Participate**

You must be notified in writing a reasonable time before: an evaluation for eligibility is completed on your child, or requested by you and refused; your child is determined eligible or ineligible for early intervention (EI) services; or the provision of appropriate EI services are proposed, initiated, or refused on the IFSP; or if there is a change in placement or IFSP services. You must be given the notice in your native language or mode of communication unless it is clearly not feasible to do so.

## **The Right to a Plan for Services Within 45 Days of Referral**

The plan for services is called an Individualized Family Service Plan (IFSP). The IFSP will be developed within 45 calendar days after referral, and will be reviewed at least every six months and annually. Services can only be initiated with your informed, written consent. You may accept or decline any EI service, and may decline any service after accepting it without any change to other EI services. You may consent to some services and not others.

## **The Right to be Present and to Participate in Your Child's IFSP**

Your family is an essential team member during the development and implementation of the IFSP. You may also invite other family members or advocates.

## **Rights Regarding Parent Fees**

Utah has a cost participation program for EI services. A fee determination process determines your family's ability to pay. A child is entitled to certain services at no cost, including: child find, evaluation and assessment, service coordination, transition, provision of procedural safeguards, and services provided by the Utah Schools for the Deaf and the Blind (USDB).

## **The Right to Confidentiality and Access to Records**

Personally identifiable information includes: the name of your child, child's parent or other family member, address, personal identifier (such as a social security number), or any list of personal characteristics or other information that would make it possible to identify your child. Your EI program may not release any personally identifiable information to anyone other than officials of participating agencies unless you provide written consent. Such information will only be shared with authorized persons involved in your child's services except as mandated by Family Education Rights and Privacy Act (FERPA) and State Law. You and/or your representative have the right to examine and access your child's early intervention record within 45 days of request.

## **The Right to Request Records be Amended and the Right to a Hearing**

If you believe information in your child's EI record is inaccurate or misleading, or violates the privacy or other rights of your child, you have the right to request that the records be amended, the right to a hearing, and if the hearing decision is not in your favor, the right to put an explanation in the file.

## **Rights Regarding Safeguard and Destruction of Records**

Your EI program will protect the confidentiality of personally identifiable information at all stages (collection, storage, disclosure, and destruction). Your EI program will inform you when personally identifiable information is no longer needed, and will destroy information at your request.

## **The Right to Request a Mediation Conference, File a Complaint, and/or Request a Due Process Hearing**

If you are unable to resolve any questions or problems with your service coordinator, you may talk with the program director. You may ask for help from the Utah Department of Health, Baby Watch Early Intervention Program at 1-800-961-4226 or 1-801-584-8226. You may be able to resolve the concern informally through a mediation process, proceed with filing a formal complaint, or request a due process hearing. These procedures are described in your **Parents' Rights, Responsibilities, and Resources booklet**. To request a formal review, you or any other organization or individual on your behalf may send a written complaint to:

Program Manager, Baby Watch Early Intervention Program, PO Box 144720, Salt Lake City, UT, 84114-4720

The complaint must include a statement that the program has violated a requirement of IDEIA, and the facts on which the complaint is based. The alleged violation must have occurred within the past year, unless the violation continues for your child or other children, or you are requesting reimbursement or corrective action for a violation that happened within the past three years. BWEIP will investigate and issue a written response within 60 calendar days from the time it receives your complaint, unless exceptional circumstances exist.

**If you do NOT fully understand your parent rights, please ask your service coordinator or call BWEIP. You can also find more information about your rights in early intervention on these web sites:**  
[www.utahbabywatch.org](http://www.utahbabywatch.org) or [www.ed.gov/offices/OSERS/Policy/IDEA](http://www.ed.gov/offices/OSERS/Policy/IDEA).