



Child and Family Rights and Procedural Safeguards Booklet

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MISSISSIPPI STATE DEPARTMENT OF HEALTH

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INTRODUCTION

The Mississippi First Steps Early Intervention Program (EIP) is a statewide program for infants and toddlers, ages birth to three, who have developmental delays and/or disabilities, and their families. The Mississippi State Department of Health (MSDH) is the lead agency which administers the First Steps program and coordinates a statewide system of early intervention service programs and providers in accordance with Part C of the Individuals with Disabilities Education Act (IDEA) and Title 34 Code of Federal Regulations (CFR) Section 303.

Part C of IDEA gives infants and toddlers with disabilities and their families a set of rights and protections that are integrated in the MSDH/First Steps EIP policies and procedures. These rights and procedural safeguards include the procedures for ensuring the confidentiality of your child's early intervention records, your rights to access and amend these records, your right to receive notifications prior to any action or change in your child's services or status in the program, your informed consent before any evaluations or services are provided, options you may use to resolve disputes, and procedures for appointing a surrogate parent if needed.

The purpose of this *Child and Family Rights and Procedural Safeguards Booklet* is to fully inform you about the First Steps program and about your child's and family's rights and procedural safeguards under Part C of IDEA.

This booklet is divided into five sections. Section I provides a general overview of how the program serves eligible children. Section II explains your child's and family's rights while in the Program. Section III includes a glossary of terms used in the First Steps Program and their definitions. Section IV provides a listing of statewide resources available to you and your child. Section V provides you with contact information for key First Steps personnel including your Service Coordinator, Program Coordinator, and State Part C Coordinator. It also contains an *Acknowledgement of Receipt Form* to document receipt of this booklet.

Families receive this booklet and an explanation of its contents when children are enrolled in the program. In addition, family and child rights and procedural safeguards are reviewed with the family at each annual review and each time there is a change in the child's services and/or status in the program. You may request another copy of this booklet at any time. You will be requested to sign a written acknowledgment form documenting your receipt of this booklet and provided a copy of a complaint form detailing how you may file a complaint under Part C of IDEA in case you wish to request dispute resolution.

SECTION I: THE EARLY INTERVENTION PROGRAM

Accessing and receiving services through First Steps EIP includes several steps. These steps include the referral to the program, intake, eligibility determination, development of the Individualized Family Service Plan (IFSP), provision of early intervention and other services, and transition to school and community services after exit from early intervention. Because a child may remain in the early intervention program only until they reach 36 months of age, steps to transition to another appropriate program or services are discussed throughout your child's participation in the program. The following steps are explained, along with the rights and procedural safeguards provided to your child and family at each step:

Referral

Any infant or toddler under three (3) years of age may be referred to the First Steps EIP for a suspected developmental delay, a diagnosed physical or mental condition that has a high probability of resulting in developmental delay, or atypical development that may require early intervention. Anyone, including a parent, family, friend, childcare provider, health care provider, or other knowledgeable person, may refer a child to the First Steps EIP Central Referral Unit (CRU) by calling the toll-free number 1-800-451-3903 or faxing the *Child & Adolescent Health Referral Form* to 601-576-7540.

If a health care or education professional or other knowledgeable person identifies (or becomes aware of) an infant or toddler who may need early intervention services, the child should be referred to the First Steps CRU as soon as possible, but no more than seven (7) days after identification. Any professional referral source should explain to parents about early intervention services and how these services may help children with their development. The referral information should be explained to you in the language you understand and use (native language), when feasible.

Intake

After the referral is made to First Steps, the local Early Intervention Program (EIP) will assign a Service Coordinator to work with your family. The Service Coordinator will contact you and explain the First Steps EIP. Participation in the program is voluntary. If you choose to participate, the Service Coordinator will begin the intake process. If you choose not to participate, you may sign the *Declining Early Intervention Services Form*, and will not be contacted again, unless a new referral is submitted for your child and family. You may also choose to delay participation, and request that the intake be completed at a later date, based on your family's circumstances.

During the intake, the Service Coordinator will:

- Ask you to participate in completing the *Developmental History, Family Assessment*, and other forms;
- Fully explain the screening, evaluation, and assessment process and your right to give consent for or decline the developmental screening, evaluation, and assessment by signing the *Consent to Screen, Evaluate and/or Assess Form*;
- Discuss any additional information needed for which your written consent is required, including obtaining your child's medical history, information about previous developmental services, or other pertinent information;

- Provide a copy of the *Child and Family Rights and Procedural Safeguards Booklet*, explain the booklet to you fully, and ask you to sign the *Acknowledgement of Receipt Form* to document you have received a copy of the booklet and notified of your rights;
- Provide an explanation of payment sources for early intervention services (if your child is eligible), give you a copy of the *System of Payments (SOP) Parent Booklet*, and ask for:
 - Your signature verifying the explanation and receipt of the *SOP Parent Booklet*;
 - Your signature indicating your consent or decline for use of your or your child's private insurance, public benefits (Medicaid or MSCAN), or public insurance (CHIP) as a payment source for your child's early intervention services; and
- Answer any questions you may have to ensure your understanding of the program and provide you with Service Coordinator and Program Coordinator contact information.

Screening, Evaluation, and/or Assessment

Upon receiving your written consent, the Service Coordinator will start collecting information about your child and family to determine eligibility. As the parent, you have the right for your child to:

- Receive a screening, evaluation and/or assessment for your child and family within 45 days of being referred to the First Steps EIP at no cost to you;
- Decline the screening, evaluation and/or assessment or decline the screening and accept the evaluation and/or assessment;
- Receive the screening and, if determined appropriate, the evaluation and assessment by a multidisciplinary evaluation team;
- Receive the screening, evaluation and/or assessment at a time and place convenient for you, and in the language your child understands, if feasible;
- Receive a prior written notice (PWN) of the time, place, and date of the meeting at least five (5) business days before the meeting, unless you waive the five-day notice;
- Invite a family member, friend, advocate or other professional to attend;
- Participate in the screening, evaluation or assessment as part of the team, by telling about your child's strengths and needs, and what you would like your child to achieve;
- Receive verbal explanation of the findings of the screening, evaluation and/or assessment in the language you understand, if feasible;
- Be given a copy of the screening, evaluation and/or assessment results, at no cost to you, and, to the extent feasible, in the language you understand or manner you communicate; and
- Be given verbal explanation of your rights and procedural safeguards under Part C and be offered another copy of the *Child and Family Rights and Procedural Safeguards Booklet*.

If your child is screened and found to have a potential developmental delay, you have the right to:

- Give your consent to receive a comprehensive, multidisciplinary evaluation or decline to give your consent;
- Have the evaluation completed within 45 days from the date of referral to the program, if you give your consent;
- Complete an assessment after the evaluation, if your child is determined to be eligible for early intervention; and
- Develop an Individualized Family Service Plan (IFSP) within 45 days of the initial referral date, if your child is found eligible for the program.

If your child is found to have no developmental delay as a result of the screening or evaluation, you may:

- Request your child's record be closed if you have no concerns, or
- Contact the First Steps EIP any time you may have concerns about your child's development and request another comprehensive, multidisciplinary evaluation.

If your child is found ineligible for early intervention after an evaluation, you will be provided a Prior Written Notice (PWN) of your child's ineligibility. You will also be provided an explanation of the Dispute Resolution Process included in the *Child and Family Rights and Procedural Safeguards Booklet* which you may use if you wish to dispute the eligibility decision. If you choose not to dispute the eligibility findings, your child's early intervention record will be closed.

If you disagree with the screening, evaluation and/or assessment, you may contact your Service Coordinator to discuss your disagreement and/or request a second evaluation.

Eligibility Determination

A child who is eligible for early intervention services is defined as an infant or toddler under three (3) years of age who has not attained developmental milestones expected for the child's chronological age (adjusted for prematurity, as appropriate) and needs early intervention services because the child:

- (1) Has a documented qualifying diagnosed physical or mental condition that has a high probability of resulting in developmental delay, including but not limited to: chromosomal abnormalities; genetic or congenital disorders; sensory impairments, including vision and hearing; inborn errors of metabolism; disorders reflecting disturbance of the development of the nervous system; congenital infections; severe attachment disorders; and disorders secondary to exposure to toxic substances, including fetal alcohol syndrome.
- (2) Has a developmental delay equal to 1.5 standard deviations in one area of development or 1.25 standard deviations in two or more areas of development, as measured by an appropriate individually administered standardized instrument. Areas of development assessed are:
 - Cognitive development;
 - Physical development, including fine and gross motor skills, vision and hearing;
 - Communication development;
 - Social and emotional development; and/or
 - Adaptive development.
- (3) Has been determined to be in need of early intervention services by means of Informed Clinical Opinion. If the child's evaluation and assessment results do not meet the criteria for developmental delay and the child does not have a documented qualifying physical or mental diagnosis that has a high probability of resulting in developmental delay, qualified personnel, such as Physicians, Licensed Nurse Practitioners, Occupational Therapists, Physical Therapists, and Speech-Language Pathologists, may use Informed Clinical Opinion to establish eligibility based on behavioral observation, medical or developmental history, medical recommendations, and/or parental input. Informed clinical opinion may not be used to negate or nullify the results of the evaluation instruments used to establish eligibility.

Individualized Family Service Plan (IFSP)

The IFSP is a written plan developed by a multidisciplinary team consisting of evaluators, parent(s) or guardian(s), and the Service Coordinator. It is based on the evaluation, assessment, and information supplied by the parents, and serves as a guide for providing Early Intervention services to meet the unique needs and goals of your child and family. The IFSP includes the following:

- Your child's and family's contact information and your concerns, priorities and resources;
- The evaluation/assessment summary and recommendations;
- Your child's present levels of development;
- Measurable outcomes (things you want your child to accomplish), activities to meet the outcomes, and a statement regarding services in the natural environment;
- Transition steps and services, including documentation of the transition meeting;
- Early intervention and other services to address child outcomes and parental consent or decline; and
- Signatures, including parent or guardian, service coordinator, and other IFSP team members.

If your child is determined eligible for early intervention, the IFSP must be developed within 45 days of your child's referral to the First Steps EIP, unless you request a delay due to exceptional child or family circumstances that are documented in your child's early intervention record.

Please note:

- If your child is referred to First Steps 45-90 days prior to their third birthday, the focus of the IFSP will be to assist with transition to school or community services, as appropriate.
- If your child is referred to First Steps fewer than 45 days prior to their third birthday, you child will not be enrolled in First Steps and an IFSP will not be developed. With your written consent, your child will be referred to the Mississippi Department of Education (MDE) and the school district in which your family resides to determine if they may be eligible for preschool services under Part B of IDEA.

As a parent of an infant or toddler eligible for early intervention services, at any IFSP meeting you have the right to the following:

- Meet with the IFSP team at a place and time convenient for you and participate in the IFSP development;
- Invite others, such as family, friends, a childcare provider, or an advocate, to the meeting;
- Receive a prior written notice (PWN) in your native language, or language you understand, at least five (5) business days before the meeting;
- Agree or disagree to services recommended on the IFSP and/or accept some services and decline others without consequence;
- Sign the IFSP verifying your attendance at the meeting and giving your permission to start early intervention services that you agree upon with the IFSP team;
- Receive a copy of the results of your child's evaluation/assessment, family assessment and completed and signed IFSP as soon as possible after each IFSP meeting;
- Receive the specified early intervention services within 40 days of giving your permission on the IFSP, unless otherwise stated on the IFSP;
- Receive the early intervention services in your child's natural environment, unless the IFSP team determines the maximum outcomes cannot be accomplished in natural environments;

- Receive verbal explanation of your child's and family's rights and a copy of the *Child and Family Rights and Procedural Safeguards Booklet*;
- Use one or more of the Dispute Resolution Options (Written State Complaint, Mediation and Due Process Hearing), if you cannot reach an agreement; and
- Receive a verbal explanation of the System of Payments (SOP) policies and, if requested, receive a copy of the *System of Payments (SOP) Parent Booklet*.

The IFSP team determines the early intervention services needed to reach your child's goals as stated on the IFSP. Early intervention services may include, but are not limited to, the following:

- Assistive technology devices and services
- Audiology service
- Family training, counseling, and home visits
- Health services
- Medical services
- Nursing services
- Nutrition services
- Occupational therapy
- Physical therapy
- Psychological services
- Service Coordination services
- Sign language and cued language
- Social Work services
- Special instruction
- Speech-language Pathology
- Transportation and related costs
- Vision services

IFSP Reviews and Revisions

To ensure the early intervention services listed on your family's IFSP are still meeting the needs of your child and family, your IFSP team, including you, your Service Coordinator, and all of your Service Providers, will review and/or revise your IFSP at least one every six months or more often if needed. During this meeting, you and the other IFSP team members will determine together if the early intervention services continue to be appropriate and discuss any needed changes on the IFSP to assist with your child's progress toward the specified outcomes. The IFSP must be reviewed at least every six months after your initial IFSP, or at any time you feel changes are needed, and revised at least annually after the initial IFSP and each year until your child exits the program. The *Child and Family Rights and Procedural Safeguards Booklet* must be explained to you, and a copy must be offered to you at each IFSP meeting.

Transition

Transition is an ongoing process that will be discussed with you from the time your child is enrolled in the First Steps EIP until they leave the program. As a parent of an eligible child, you are entitled to:

- Have a transition conference/meeting scheduled at a time and location that is convenient for you;
- Invite and give permission for other participants to attend;

- Receive a prior written notice (PWN) of the transition meeting in a language you understand if at all feasible, receive the PWN at least five (5) business days prior to the meeting, and have a copy of the PWN sent to others you choose to invite;
- Participate in the meeting to develop an appropriate plan for your child's transition from Part C to Part B services or other appropriate programs or services at age three (3);
- Be given a verbal explanation of the *Child and Family Rights and Procedural Safeguards* Booklet and be offered a copy; and
- Be offered a copy of the Part B Procedural Safeguards.

The transition process includes the following steps:

Notification of Transition. If your child is in an active status with the First Steps EIP at 27 months of age and has an implemented IFSP, an electronic notification is sent to the Mississippi Department of Education (MDE) and a written child find letter of notification is sent to the Local Educational Agency (LEA), that is your local school district in which your family resides. A copy of the child find letter to the LEA is sent to you as a notification of the referral.

Transition Plan. A transition plan is developed as a part of the IFSP when your child is between 27 and 33 months of age. It identifies the steps and services needed for your child and family to have a smooth and seamless exit from Part C services to preschool services under Part B of IDEA or other appropriate programs or services in your community.

Transition Conference/Meeting. A transition conference/meeting occurs when your child is between 27 and 33 months of age. With your consent, the transition plan and conference/meeting may be combined with an IFSP meeting. At a minimum, you, as the parent, and the Service Coordinator must be present. If your child is potentially eligible under Part B, a school district representative is invited to attend this meeting with your consent. The transition conference/meeting may also include current and future service providers, family members, advocates, or any other persons that you, as the parent, request to participate.

SECTION II: CHILD AND FAMILY RIGHTS AND PROCEDURAL SAFEGUARDS

Under Part C of the Individuals with Disabilities Education Act (IDEA), infants and toddlers with a disability and their families are entitled to specific rights. The First Steps Early Intervention Program (EIP) has established and implements policies and procedures that include provisions to protect your child's and family's rights regarding the following:

- Confidentiality and opportunity to examine records;
- Informed parental consent and prior written notice;
- Appointment of a surrogate parent when a parent is not available to represent a child; and
- Dispute resolution options when parents have a complaint or dispute.

The following information uses language contained in 34 CFR 303 - Part C of IDEA Regulations and describes First Steps EIP's policies and procedures. This Booklet serves as notice of each of the specific procedural safeguards to which you are entitled as a participant in the First Steps EIP.

The Right to Confidentiality of Personally Identifiable Information and Opportunity to Examine Records (34 CFR §§303.400 through 303.417)

Confidentiality and Opportunity to Examine Records (§303.401)

Children referred to and eligible for early intervention services under Part C of IDEA and their parents have the right to confidentiality of personally identifiable information (PII), including the right to written notice of, and written consent to, the exchange of information among agencies, consistent with Federal and State laws.

You and your child:

- Are ensured of the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained pursuant to Part C of IDEA by participating agencies, including MSDH/First Steps EIP and early intervention service programs/providers in accordance with the protections under the Family Educational Rights and Privacy Act (FERPA).
- MSDH/First Steps EIP has procedures in effect to ensure that:
 - Participating agencies, including MSDH/First Steps EIP and early intervention service programs/providers, comply with the Part C of IDEA confidentiality procedures; and
 - Parents of infants or toddlers who are referred to, or receive services under Part C of IDEA, have the opportunity to inspect and review all early intervention records about their child and the child's family that are collected, maintained and used under Part C of IDEA, including records relating to evaluations and assessments, screenings, eligibility determinations, development and implementation of IFSPs, provision of early intervention services, individual complaints involving your child, or any part of your child's early intervention record under Part C of IDEA.

Family Educational Rights and Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA) (§303.402)

Your child's early intervention records containing personally identifiable information (PII) that are collected, maintained or used by MSDH/First Steps EIP and early intervention service programs/providers are protected by the Family Educational Rights and Privacy Act (FERPA).

Early Intervention Records (§303.403)

Early intervention records mean all records regarding a child that are required to be collected, maintained, or used by First Steps EIP under Part C of IDEA and its implementing regulations. The early intervention record includes screenings, evaluations and assessments, eligibility determinations, development and implementation of the Individualized Family Service Plans (IFSPs), provision of early intervention services, billing information, individual complaints involving a child, or any other records such as medical records, involving your child or family. Your Service Coordinator maintains your child's early intervention record; however, early intervention service providers also keep a record of service provision to your child and family.

Confidentiality and Opportunity to Examine Records (§303.401)

Confidentiality procedures apply to the personally identifiable information (PII) of a child and the child's family that:

- Is contained in the early intervention records that are collected, used, or maintained under Part C of IDEA by MSDH/First Steps EIP and early intervention service programs/providers;
- Applies from the point in time when your child is referred to the First Steps EIP until the early intervention service program/provider is no longer required to maintain or no longer maintains that information under applicable Federal and Mississippi laws.

To meet state and federal data collection and reporting requirements, timely communication, and coordination of services for your child and family, First Steps EIP maintains a secure electronic database, Mississippi Infant and Toddler Intervention (MITI) data system, with your child's and family's information, including your child's name, address, date of birth, telephone number, personal identification number, service eligibility, and service providers.

The First Steps EIP discloses to the Mississippi Department of Education (MDE) and the local education agency (LEA), the local school district where your child resides, the following PII:

- Your child's name;
- Your child's date of birth;
- Parent contact information, including names, address, and telephone numbers; and
- The name of your child's Service Coordinator and his or her contact information.

This limited disclosure is needed to enable the MSDH/First Steps EIP, MDE and schools to identify all children who are potentially eligible for Part B services. PII is shared electronically between First Steps EIP and MDE, and a child find letter is sent to the LEA, the local school district where your child resides, when your child turns 27 months of age.

Confidentiality (§ 303.402)

The MSDH/First Steps EIP is required to report on its performance to the Department of Education. The U.S. Secretary of Education takes appropriate action, in accordance with section 444 of GEPA, to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected, maintained, or used by the Secretary and by lead agencies and EIS providers pursuant to part C of the Act, and consistent with §§ 303.401 through 303.417. The regulations in §§ 303.401 through 303.417 ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained pursuant to this part by the Secretary and by participating agencies, including the State lead agency and EIS providers, in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, and 34 CFR part 99.

Definitions (§303.403; §99.3)

The following definitions apply to confidentiality and records under Part C of IDEA, in addition to the definition of personally identifiable information (PII) and disclosure:

- **Destruction** means physical destruction of the record or ensuring that personal identifiers are removed from a record so that the record is no longer personally identifiable.
- **Early intervention records** mean all records regarding a child that are required to be collected, maintained, or used under Part C of IDEA and its implementing regulations.
- **Personally identifiable information (PII)** is information that, when read or heard by another person, would clearly identify who was being discussed. Examples include, but are not limited to the name of your child; the names of other family members; the address of your child; a personal identifier such as your child's social security number; or other indirect identifiers, such as the child's date of birth, place of birth, and mother's maiden name; or other information that, alone or in combination, is linked or linkable to a specific child that would allow a person in the community who does not have personal knowledge of the relevant circumstances, to identify your child with reasonable certainty.
- **Participating agency** means any individual, agency, entity, or institution that collects, maintains, or uses PII to implement the requirements of Part C of IDEA and the regulations in 34 Code of Federal Regulations (CFR) Part 303 with respect to a particular child. A participating agency includes the MSDH/First Steps EIP, and early intervention service programs/providers and any individual or entity that provides any Part C services, including service coordination, evaluations and assessments, and other Part C services. This does not include primary referral sources, or public agencies (such as the state Medicaid or CHIP program) or private entities (such as private insurance companies) that act solely as funding sources for services under Part C of IDEA.
- **Disclosure** means to permit access to or the release, transfer, or other communication of PII contained in education (early intervention) records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Notice to Parents (§303.404)

The MSDH/First Steps EIP explains and provides a copy of the *Child and Family Rights and Procedural Safeguards Booklet* to parents when their child is enrolled in the First Steps EIP. The Booklet includes the confidentiality requirements under Part C of IDEA, including:

- A description of the children on whom personally identifiable information (PII) is maintained, the types of information sought, the methods First Steps EIP uses in gathering the information, including the sources from whom information is gathered, and the uses to be made of the information;
- A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of PII;
- A description of all the rights of parents and children regarding this information, including their rights under Part C of IDEA confidentiality provisions; and
- A description of the extent that the booklet is provided in the native languages, if at all feasible.

Access Rights (§303.405)

The MSDH/First Steps EIP and early intervention service programs/providers permit parents to inspect and review any early intervention records relating to their children that are collected, maintained, or used by the agency under Part C of IDEA. The First Steps EIP and any early intervention service program/provider must comply with a parent's request to review early intervention records without unnecessary delay and before any meeting regarding an

Individualized Family Service Plan (IFSP) or any hearing relating to identification, evaluation or placement or the provision of appropriate early intervention services for your child. Such records will be made available to you no later than 10 days after your request has been made. You may request to review your child's early intervention records by making a verbal or written request to your Service Coordinator.

The right to review early intervention records includes the following:

- The right to a response from the MSDH/First Steps EIP or the early intervention service program/provider to reasonable requests for explanations and interpretations of the early intervention records;
- The right to request that the MSDH/First Steps EIP or the early intervention service program/provider provide a copy of the early intervention records containing the information if failure to provide those copies would effectively prevent you from exercising the right to inspect and review the early intervention records; and
- The right to have your representative inspect and review your child's early intervention records.

The MSDH/First Steps EIP or an early intervention service program/provider may presume that you have authority to review records relating to your child unless the MSDH/First Steps EIP or an early intervention service program/provider has been provided documentation that you do not have the authority under applicable Mississippi state law governing matters such as custody, foster care, guardianship, separation, and divorce.

Record of Access (§303.406)

The MSDH/First Steps EIP and early intervention service programs/providers maintain an Access Record Form for the recording of all parties obtaining access to your child's early intervention records that are collected, maintained, or used under Part C of IDEA. The Access Record Form, filed in the first section of your child's early intervention record, includes the name, address and phone number of the person who obtains access, the date of access, and the purpose of the access to the early intervention record.

Parents are not required to sign the Access Record Form. Others requesting to see or have information from your child's early intervention record, including authorized agency officials when accessing the early intervention record for monitoring or reviewing purposes, must sign the Access Record Form. Authorized representatives, advocates, attorneys, family or friends, must have your written consent and must sign the Access Record Form verifying their access to the early intervention record.

If the MSDH/First Steps EIP has cooperative agreements or contracts with other state agencies and early intervention service programs/providers to provide early intervention services, these programs/providers or agencies may review early intervention records and information may be exchanged without your written consent.

The early intervention service programs/providers that have access to your child's early intervention record include:

- The Mississippi State Department of Health (MSDH) as the lead agency responsible for administration of Mississippi's Early Intervention System (EIS), including First Steps EIP staff (State Office personnel, Regional Coordinators, Program Coordinators, and Service Coordinators); and

- Early intervention service programs/providers responsible for providing your child's early intervention services.

You may refuse a particular provider, agency, or person to have access to your child's early intervention record. Your refusal to give permission must be made in writing to your Service Coordinator, along with the reason for your refusal. Upon receipt of your written statement declining the request for record access, the First Steps EIP or an early intervention service program/provider shall not allow disclosure to the specified party.

Records on More Than One Child (§303.407)

You have the right to review only the information in your child's early intervention record. A separate record is kept for each child receiving early intervention services. Any personally identifiable information (PII) or other information of another child shall not be placed in your child's early intervention record.

Lists of Types and Locations of Information (§303.408)

The MSDH/First Steps EIP and each early intervention service program/provider must provide you, upon request, a list of the types and locations of early intervention records that are collected, maintained, or used by the agency. Your child's Service Coordinator is responsible for maintaining information collected in the early intervention record. Your child's early intervention record is mainly located in the Mississippi Infant and Toddler Intervention (MITI) data system; additional paper records, such as test protocols and medical records submitted to the First Steps EIP to establish eligibility, are maintained at the health department in the county in which you live. You can find your Service Coordinator's location and contact information in the Contact Information section on the last page of this Booklet.

Fees for Records (§303.409)

The MSDH/First Steps EIP or early intervention service programs/providers may charge a fee for copies of records that are made for parents under Part C of IDEA if the fee does not effectively prevent parents from exercising their right to inspect and review those records. However, upon parental request, the First Steps EIP may provide, at no cost to you, one copy of your child's entire early intervention record. A fee may be charged for additional copies. The First Steps EIP and early intervention service programs/providers do not charge a fee to search for or to retrieve information for families under Part C of IDEA.

The First Steps EIP or early intervention service programs/providers must provide, at no cost to parents, a copy of each evaluation, assessment of their child, family assessment, and IFSP, as soon as possible after each IFSP meeting.

Amendment of Records at Parent Request (§303.410)

If you believe that information collected in your child's early intervention record is inaccurate, misleading, or violates your child's or family's privacy or other rights, you may request that your Service Coordinator and/or early intervention service program/provider that maintains the information amend the information in question. Upon receipt of your written request, the First Steps EIP, the participating agency or the early intervention service program/provider must decide within a reasonable period of time of receipt of your request, whether to amend the information in accordance with your request.

- If the First Steps EIP, the participating agency or the early intervention service program/provider decides to amend the record, you will be informed in writing and the amended information will be placed in your child's record.

- If the First Steps EIP, the participating agency or the early intervention service program/provider refuses to amend the information in accordance with your request, they must inform you in writing of the refusal and advise you of your right to a hearing.

Opportunity for a Hearing (§303.411)

The MSDH/First Steps EIP or an early intervention service program/provider shall, upon request, provide you with the opportunity for a hearing to challenge the information in your child's early intervention records to ensure that it is not inaccurate, misleading, or otherwise in violation of your or your child's privacy or other rights. You may request a Due Process Hearing under the procedures outlined in this Booklet.

Result of Hearing (§303.412)

If, as a result of the hearing, the MSDH/First Steps EIP or the early intervention service program/provider decides the information is:

- Inaccurate, misleading or in violation of your child's or family's privacy or other rights, they must amend the information accordingly and so inform you in writing; or
- Not inaccurate, misleading, or in violation of your or your child's privacy or other rights, you must be informed of your right to place a statement in your child's early intervention record commenting on the information or setting forth any reason for disagreeing with the decision of First Steps EIP.

Any explanation placed in your child's early intervention records:

- Is maintained by the MSDH/First Steps EIP as part of your child's early intervention records as long as the record, or the contested portion of the record, is maintained by the MSDH/First Steps EIP; and
- If your child's early intervention records or the contested portion are disclosed by the MSDH/First Steps EIP to any party, the explanation must also be included.

Consent Prior to Disclosure or Use (§303.414)

As a parent of a child receiving early intervention services, your written consent is obtained before personally identifiable information (PII) is:

- Disclosed to anyone other than authorized representatives, officials, or employees of the MSDH, other participating agencies or early intervention service programs/providers collecting, maintaining, or using the information under Part C of IDEA, or
- Used for any purpose other than meeting a requirement of Part C of IDEA.

The MSDH/First Steps EIP may not disclose PII without parent consent to any party except participating agencies, including the MSDH and early intervention service programs/providers that are part of Mississippi's Part C system, unless authorized to do so, except for disclosure of information for transition.

If a parent refuses to provide consent, the MSDH/First Steps EIP policies and procedures require that a meeting be held to explain how the parent's failure to consent affects the ability of their child to receive services under Part C of IDEA. Those procedures do not override a parent's right to refuse consent (see paragraph below).

Safeguards (§303.415)

The MSDH/First Steps EIP and early intervention service programs/providers protect the confidentiality of personally identifiable information (PII) at the collection, maintenance, use,



storage, disclosure, and destruction stages. All MSDH personnel and early intervention service programs/providers assume responsibility for ensuring the confidentiality of any PII.

All persons collecting or using PII receive training or instruction regarding FERPA and Mississippi's confidentiality policies and procedures. The MSDH/First Steps EIP and each early intervention service program/provider maintains, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to PII.

Destruction of Personally Identifiable Information (§303.416)

The MSDH/First Steps EIP and each early intervention service program/provider inform parents when PII that was collected, maintained, or used under Part C of IDEA is no longer needed to provide services to the child under Part C of IDEA. Subject to the above, the information is destroyed at the request of the child's parents. A permanent record of the child's name, date of birth, parent contact information (including address and phone number), name of the Service Coordinator(s), early intervention service programs/providers, and exit data (including the year and age at exit, and any other programs entered upon exiting), may be maintained without time limitation.

Enforcement (§303.417)

The MSDH/First Steps EIP has in effect policies and procedures, including sanctions and the right to file a complaint, that are used to ensure that its policies and procedures are followed and that requirements and regulations of Part C of IDEA are met.

The Right to Informed Parental Consent and Prior Written Notice (34 CFR §§303.7, 303.420, 303.421 and 303.25)

Definition of Consent (§303.7)

The First Steps EIP needs your written consent before taking any actions affecting your child's participation in the First Steps EIP. Consent means that you:

- Have been fully informed of all information relevant to the activity for which consent is sought, in your native language, if feasible;
- Understand and agree in writing on a Consent form to the carrying out of an activity for which consent is sought. The Consent form lists the early intervention records or information, if any, that will be released and to whom the information will be released; and
- Understand that the granting of consent is voluntary on your part and may be revoked at any time, unless the action occurred before the consent was revoked (revocation of consent is not retroactive).

Written Parental Consent (§303.420)

Your written consent must be obtained before the following activities:

- All screening procedures used to determine if a child is suspected of having a developmental delay;
- Evaluations and/or assessments;
- Early intervention services are provided for your child or family under Part C of IDEA;
- Private insurance or public benefits and/or public insurance is used; and
- Disclosure of personally identifiable information (PII), consistent with consent requirements under confidentiality.

Refusal of Consent (§303.420)

If you choose not to give your written consent prior to your child receiving a screening, evaluation and/or assessment or early intervention services, the Service Coordinator shall make reasonable efforts to ensure that you:

- Are fully aware of the nature of the screening, evaluation and/or assessment or early intervention services that would be available; and
- Understand that your child will not receive a screening, evaluation and/or assessment or early intervention services unless your written consent is given.

The First Steps EIP will not use the Due Process Hearing procedures under Part C or Part B of IDEA to challenge a parent's refusal to provide any consent that is required. If a parent refuses consent, the First Steps EIP may:

- Provide literature or other materials regarding the value of early intervention services;
- Offer peer counseling regarding the value of early intervention services and to address your concerns about participation in First Steps EIP;
- Provide a *Declining Early Intervention Services Form* to document your decision to decline enrollment in the First Steps EIP; and
- Provide a contact number in case you decide to seek enrollment at a later date.

As a parent of an infant or toddler who is eligible under the First Steps EIP, you may determine whether you will accept or decline any early intervention service under Part C at any time.

Participation in Part C is voluntary for you and your family, therefore you may:

- Accept all early intervention services agreed to on the IFSP;
- Decline all early intervention services recommended or agreed to on the IFSP;
- Accept one or some of the early intervention services recommended or agreed to on the IFSP and decline other services; or
- Decline an early intervention service after first accepting it without jeopardizing other early intervention services.

Prior Written Notice (§303.421)

Prior Written Notice (PWN) is provided to you before the MSDH or an early intervention service program/provider proposes, or refuses, to initiate or change the identification, screening, evaluation, or placement of your child or the provision of early intervention services to your child and family. You must receive the PWN at least five (5) business days before the proposed action.

The PWN informs you about:

- The action that is being proposed or refused;
- The reasons for taking the action; and
- The dispute resolution options and process available to you under the First Steps EIP.

The PWN is:

- Written in a language understandable to the general public; and
- Provided in your primary (native) language or other mode of communication, unless it clearly is not feasible to do so.

If your primary (native) language, as defined below, or other mode of communication you use, is not a written language, the First Steps EIP or the early intervention service program/provider takes steps to ensure that:

- The notice is translated to you orally or by other means, and in your native language or other mode of communication, if at all feasible;
- You understand the PWN; and
- There is written evidence in the child's early intervention record that these requirements have been met.

Native Language (§303.25)

Native language, when used with respect to an individual who is limited in English proficiency or LEP (Limited English Proficient), means the language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child. The exception is for evaluations and assessments, which require that the language normally used by the child must be used, if determined developmentally appropriate for the child, by qualified personnel conducting the evaluation or assessment.

Native language, when used with respect to an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, means the primary mode of communication that is normally used by the individual (such as sign language, Braille, or oral communication).

The Right to a Surrogate Parent (34 CFR §303.422)

Conditions that warrant assigning a surrogate parent (§303.422(a))

The MSDH/First Steps EIP ensures that the rights of children are protected under the following conditions:

- No parent, as defined below, can be identified;
- The MSDH/First Steps EIP or other public agency, after reasonable efforts, cannot locate a parent; or
- The child is a ward of the State under the laws in Mississippi.

Definition of Parent (§303.27)

Parent means:

- A biological or adoptive parent of a child;
- A foster parent, unless State law, regulations, or contractual obligations with a State (agency) or local entity prohibit a foster parent from acting as a parent;
- A guardian generally authorized to act as the child's parent, or authorized to make early intervention, educational, health or developmental decisions for the child, but not the State if the child is a ward of the State;
- 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 in accordance with Part C of IDEA.

Except in the paragraph below, the biological or adoptive parent, when attempting to act as the parent under Part C and when more than one party is qualified to act as a parent, must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational or early intervention decisions for the child.

If a judicial decree or order identifies a specific person or persons listed above to act as the "parent" of a child or to make educational or early intervention service decisions on behalf of a child, then such person or persons shall be determined to be the "parent" for purposes of Part C

of IDEA. However, if an early intervention service program/provider or a public agency provides any services to a child or any family member of that child, that early intervention service provider or public agency may not act as the surrogate parent for that child.

Assignment of a Surrogate (§303.422(b))

The MSDH/First Steps EIP assigns a surrogate parent for a child after determining the child needs a surrogate. If the child is a ward of the State or placed in foster care, the MSDH/First Steps EIP must first consult with the public agency that has been assigned care of the child.

Wards of the State (§303.422(c))

In the case of a child who is a ward of the State, the surrogate parent, instead of being appointed by the MSDH/First Steps EIP, may be appointed by the judge overseeing the infant or toddler's case provided that the surrogate parent meets the criteria for selection of a Surrogate Parent (see below).

Criteria for Selection of Surrogate Parents (§303.422(d))

When selecting surrogate parents, the following criteria are used:

- The MSDH/First Steps EIP may select a surrogate parent in any way permitted by law in Mississippi;
- Public agencies must ensure that a person selected as a surrogate parent:
 - Is not an employee of the MSDH, or other public agency such as the Department of Human Services, Medicaid, etc., or an early intervention service program/provider who provides early intervention services, education, care, or other services to the child or any family member of the child;
 - Has no personal or professional interest that conflicts with the interest of the child he or she represents;
 - Has knowledge and skills that ensure adequate representation of the child;
 - Has no criminal record;
 - Is 18 years old or older; and
 - Is a citizen of Mississippi or the United States.

Non-Employee Requirement (§303.422(e))

A person who is otherwise qualified to be a surrogate parent is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

Responsibilities of a Surrogate Parent (§303.422(f))

A surrogate parent has the same rights as a parent for all purposes under Part C of IDEA. A surrogate parent may represent the child in all matters relating to the child's participation in the First Steps EIP and receive all the procedural safeguards under Part C of IDEA.

Timeframe for Assigning a Surrogate Parent (§303.422(g))

The MSDH/First Steps EIP must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a public agency determines that the child is in need of a surrogate parent.

The Right to the Resolution of Individual Child Complaints or Disputes (34 CFR §§303.430 through 303.438)

Dispute Resolution Options (§§303.430)

You have the right to disagree with the MSDH/First Steps EIP or early intervention service programs/providers about your child's early intervention services. If at any time you, as the parent, have a concern or complaint, you may contact your child's Service Coordinator and/or the Program Coordinator to discuss the concerns. The names of your Service Coordinator, Program Coordinator, and the Part C Coordinator and their contact information are listed in the Contact Information section on the last page of this Booklet.

Many times, the concerns, complaints or disagreements may be resolved informally at the local level with your Service Coordinator or Program Coordinator. If they cannot be resolved at the local level, MSDH/First Steps EIP has the following options available to you for the timely administrative resolution of your individual child complaints and/or disputes:

- Written State Complaint;
- Mediation; and/or
- Due Process Hearing.

Status of Your Child's Services during the Pendency of a Due Process Complaint §303.430)

Unless you and the First Steps EIP otherwise agree, your child may continue to receive the appropriate early intervention services that are on the IFSP and in the setting(s) for which you have consented. If the Due Process Complaint involves an application for initial services under Part C, your child may receive those services that are not in dispute.

Written State Complaint (§303.432)

Dissemination of Complaint Information (§303.432)

The MSDH/First Steps EIP has written procedures for resolving complaints regarding any violation of Part C of IDEA, including complaints filed by an organization or an individual from another state. The MSDH/First Steps EIP widely disseminates these procedures to parents and other interested individuals, including the Mississippi Parent Training and Information (PTI) Centers, Protection and Advocacy (P&A) agencies, and other appropriate entities. The MSDH provides access to a statewide toll-free number, 800-451-3903, for parents or agencies that have a concern or complaint. Written complaints may be sent to:

Mississippi State Department of Health
First Steps Early Intervention Program
Attention: Part C Coordinator
P. O. Box 1700
Jackson, MS 39215

Remedies for Denial of Services (§303.432)

Remedies for resolving a complaint, in which the MSDH/First Steps EIP has found a failure to provide appropriate early intervention services, include the MSDH/First Steps EIP addressing the complaint through corrective actions. The corrective actions must be appropriate to address the needs of the infant or toddler who is the subject of the complaint and the infant's or toddler's family, and the future provision of early intervention services for all infants and toddlers with

disabilities and their families. Remedies for denial of appropriate early intervention services may include compensatory services or monetary reimbursement for services obtained independently.

Written State Complaint Procedures and Time Limit (§303.433)

Within 60 days after a Written State Complaint is filed, the MSDH/First Steps EIP must complete the following activities:

- Carry out an independent on-site investigation, if determined necessary;
- Give the complainant the opportunity to submit additional information, either orally or in writing, about the complaint;
- Provide the MSDH/First Steps EIP, the public agency, or the early intervention service programs/providers with an opportunity to respond to the complaint, including, at a minimum, a proposal to resolve the complaint and an opportunity for the parent who has filed a complaint and the MSDH/First Steps EIP, the public agency, or the early intervention service program/provider to voluntarily engage in mediation;
- Review all relevant information and make an independent determination if the program is violating a requirement of Part C of IDEA; and
- Issue a written decision to the complainant that addresses each allegation in the Written State Complaint and contains findings of fact and conclusions and the reasons for the MSDH/First Steps EIP's final decision.

Time Extension and Final Decision Implementation (§303.433)

The MSDH/First Steps EIP may permit an extension of the time limit for a final decision only if exceptional circumstances exist with respect to a particular complaint or if the parties involved agree to extend the time to engage in Mediation. If needed, the MSDH/First Steps EIP must effectively implement the final decision through technical assistance, negotiations and/or corrective actions to achieve compliance.

Written State Complaints and Due Process Hearings (§303.433)

If a Written State Complaint is also the subject of a Due Process Hearing, or contains multiple issues in which one or more are part of that hearing, any part of the complaint being addressed in the Due Process Hearing will be set aside until the conclusion of the hearing. If an issue in the complaint is not a part of the Due Process Hearing, it is resolved using the 60 day time limit and procedures described above. If an issue raised in a complaint has previously been decided in a Due Process Hearing involving the same parties, the Due Process Hearing decision is binding on that issue and the MSDH/First Steps EIP informs the complainant to that effect. A complaint alleging the MSDH/First Steps EIP, the public agency, or early intervention service program/provider's failure to implement a Due Process Hearing decision must be resolved by the MSDH/First Steps EIP.

Filing a Written State Complaint (§303.434)

An organization or individual may file a signed Written State Complaint. The complaint must include the following items:

- A statement that the MSDH, the public agency, or early intervention service program/provider has violated a requirement of Part C of IDEA;
- The facts on which the statement is based;
- The signature and contact information for the complainant; and
- If alleging violations with respect to a specific child:
 - The name and address of the residence of the child;
 - The name of the early intervention service program/provider serving the child;

- A description of the nature of the problem of the child, including facts relating to the problem; and
- A proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed.
- The complaint must allege a violation that occurred not more than one year prior to the date the complaint is received.
- The party filing the complaint must forward a copy of the Written State Complaint to the public agency or early intervention service program/provider serving the child at the same time the party files the complaint with MSDH/First Steps EIP.

How to File a Written State Complaint

A Written State Complaint may be initiated by completing the attached Complaint Form under Part C of IDEA – Mississippi State Department of Health/First Steps EIP. The Written State Complaint option should be checked. The address for mailing the form to the First Steps EIP Part C Coordinator is listed on the back of the form. You may choose to send a signed letter outlining your complaint to the Part C Coordinator at the address given on the back of the form. Upon receipt of your Written State Complaint, a First Steps EIP representative will contact you to inform you of receipt of your complaint and explain how the investigation will be conducted as described in the chart below:

MSDH/First Steps EIP – Written State Complaint Procedures

Actions	Responsibility	Time Frame
The date is stamped on the Written State Complaint when received in the MSDH/First Steps EIP Office. The original Complaint is sent to the Part C Coordinator and a copy is sent to the Monitoring Coordinator.	Administrative Secretary	Date of receipt of the Written State Complaint
The Written State Complaint is logged in the Dispute Resolution Tracking Binder, and a schedule form is started to monitor timely resolution of the Written State Complaint.	Part C Coordinator Monitoring Coordinator	Within 5 days of receipt of the Written State Complaint
A standard letter of receipt is sent to the person or agency (complainant) filing the Written State Complaint. A standard letter of notification, and a copy of the Written State Complaint, is sent to the agency against whom the complaint is being made (respondent).	Part C Coordinator Monitoring Coordinator	Within 5 days of receipt of the Written State Complaint
The complainant is given the opportunity to submit any additional information, either orally or in writing, about the complaint.	Complainant	Within 25 days of receipt of the Written State Complaint
A meeting is held, in person or by other means, with the complainant, respondent and other appropriate parties, regarding the issue(s) specified in the complaint to allow the respondent to respond to the complaint and to offer the opportunity for the parties to voluntarily engage in Mediation.	Part C Coordinator Monitoring Coordinator Complainant Respondent	Within 25 days of receiving the Written State Complaint
A review and preliminary investigation of the complaint is conducted. (Any complaints that are the subject of or being addressed in a Due Process Hearing or multiple issues in the complaint may be set aside until the conclusion of the hearing.)	Part C Coordinator Monitoring Coordinator	Within 45 days of receipt of the Written State Complaint
An investigation is completed, based on information gathered at the meeting.	Part C Coordinator Monitoring Coordinator	Within 55 days of receipt of the Written State Complaint

Actions	Responsibility	Time Frame
A written decision is issued by the MSDH/ First Steps EIP State Office that includes findings of fact, conclusions and reasons for the final decision, and is sent to the complainant, respondent and all parties involved.	Part C Coordinator Monitoring Coordinator	Within 60 days of receipt of the Written State Complaint
The resolution date and all documents, including copies of the written decision, are logged in the Dispute Resolution Tracking Binder and the child's EI record.	Part C Coordinator Monitoring Coordinator Service Coordinator	Within 60 days of receipt of the Written State Complaint*

**An extension of the 60-day time limit for resolution of the Written State Complaint may be granted based on exceptional circumstances or an agreement of the parties involved.*

Mediation (§303.431)

Mediation is a confidential procedure that allows parties to dispute any matter under Part C of IDEA, including matters arising prior to filing a Due Process Complaint, to resolve disputes. A Mediator will meet with both parties to assist them find a solution to the complaint and reach an agreement in an informal, non-adversarial atmosphere. Mediation is:

- Voluntary on the part of the parties;
- Not used to deny or delay a parent's right to a Due Process Hearing, or deny any other rights afforded under Part C of IDEA; and
- Is conducted by a qualified and impartial Mediator, who is trained in effective mediation techniques, is knowledgeable of Part C of IDEA, and is selected by the MSDH/First Steps EIP from a list on a random, rotational, or other impartial basis to do Mediation.

The MSDH First Steps Local Early Intervention Program bears the cost of Mediation, including the costs of meetings or Mediation sessions. Each session in the Mediation process is scheduled in a timely manner and held at a time and in a location that is convenient to the parties to the dispute.

Mediation Agreement (§303.431)

If the parties resolve a dispute through Mediation, the parties must execute a legally binding Mediation Agreement that sets forth that resolution and is signed by all parties. The Mediation Agreement must also state that all discussions that occurred during the Mediation process will remain confidential and may not be used as evidence in any subsequent Due Process Hearing or civil proceeding. The agreement is signed by both the parent and a representative of the MSDH who has the authority to bind the agency to such an agreement. Once the written Mediation Agreement is signed, it is enforceable in any Mississippi court of jurisdiction or in a district court of the United States. Any discussions that occur during the Mediation process must be confidential and may not be used as evidence in any subsequent Due Process Hearing or civil proceeding of any Federal court or Mississippi court. All parties will receive a copy of the signed Mediation Agreement and be required to sign a Confidentiality Statement.

Impartiality of Mediator (§303.431)

An individual who serves as a Mediator under Part C of IDEA:

- may not be an employee of the MSDH or an early intervention service program/provider;
- may not be involved in the provision of early intervention services or other services to the child; and
- must not have a personal or professional interest that conflicts with the person's objectivity.



A person who otherwise qualifies as a Mediator is not an employee of the MSDH or an early intervention service program/provider solely because he or she is paid by the MSDH to serve as a Mediator.

Meetings to Encourage Mediation (§303.431)

The MSDH/First Steps EIP offers to parents and early intervention service programs/providers that choose not to use Mediation an opportunity to meet, at a time and location convenient to the parents, with a disinterested party who would explain the benefits of and encourage the use of Mediation. This disinterested party may be under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in Mississippi.

How to File a Mediation Request

A Mediation request may be initiated by submitting the attached *Complaint Under Part C of IDEA Form*, selecting Mediation, to:

Mississippi State Department of Health
 First Steps Early Intervention Program
 Attention: Part C Coordinator
 P. O. Box 1700
 Jackson, MS 39215

Upon receipt of the Mediation request, an impartial Mediator will be appointed. A Mediation session (meeting) will be scheduled within two (2) weeks at a place and time that is convenient for you, unless you ask for more time.

MSDH/First Steps EIP – Mediation Procedures

Actions	Responsibility	Time Frame
The date is stamped on the Mediation request when it is received in the MSDH-First Steps EIP office.	Administrative Secretary	Date of receipt of the Mediation request
Copies of the Mediation request are distributed as follows: The original to the Part C Coordinator; a copy to the Monitoring Coordinator; and a copy to all parties identified in the Mediation request.	Administrative Secretary	Within 5 days of receipt of the Mediation request
The Mediation request is logged in the Dispute Resolution Tracking Binder, and a schedule form is started to monitor timely resolution of the Mediation.	Part C Coordinator Monitoring Coordinator	Within 5 days of receipt of the Mediation request
If a party to a dispute decides to use Mediation after filing a Written State Complaint or chooses Mediation as their first means to resolve the dispute, an impartial Mediator is assigned by MSDH/First Steps EIP. The Mediation request, including any additional written information, is submitted to the Mediator.	Part C Coordinator Monitoring Coordinator	Within 2 weeks of receipt of the Mediation request

Actions	Responsibility	Time Frame
A Mediation session date is set. Notification of the date and time includes a statement that the child's current early intervention services will continue as listed on the IFSP unless a written request is received from parent to terminate any service(s) during Mediation. Additional Mediation sessions are scheduled as deemed necessary or upon agreement.	Mediator Complainant Respondent Others as appropriate or specified in the request	Scheduled in a timely manner and in a convenient location to the parties in dispute.
An agreement is reached, and a Mediation Agreement is written (including a Confidentiality Statement).	Mediator Complainant Respondent	Agreed upon by both Complainant and Respondent
A copy of the Mediation Agreement is sent to the First Steps EIP Part C Coordinator, the Complainant, Respondent, and others involved in the Mediation, as appropriate.	Mediator	Within 5 days of reaching a Mediation Agreement
The resolution date and all documents, including copies of the Mediation Agreement, are logged in the Dispute Resolution Tracking Binder and the child's early intervention record.	Part C Coordinator Monitoring Coordinator Service Coordinator	Within 5 days of receipt of the Mediation Agreement

Due Process Hearings (§303.430)

An impartial Due Process Hearing is another option to resolve complaints or disputes regarding the provision of early intervention services to the infant or toddler with a disability and that infant's or toddler's family. This formal hearing is conducted by a trained impartial Hearing Officer according to regulations in Part C of IDEA.

Impartial Hearing Officer Duties (§303.435)

The MSDH/First Steps EIP has impartial Due Process Hearing Officers available who have been trained in Dispute Resolution procedures, have knowledge of Part C of IDEA and early intervention services available for infants and toddlers with disabilities and their families.

Hearing Officers perform the following duties:

- Listen to the presentation of relevant viewpoints about the Due Process Complaint;
- Examine all information relevant to the issues;
- Seek to reach a timely resolution of the Due Process Complaint; and
- Provide a record of the proceedings, including a written decision.

Definition of Impartial (§303.435)

Impartial means the due process Hearing Officer appointed to implement the due process hearing under Part C of IDEA:

- is not an employee of the MSDH or an early intervention service program/provider involved in the provision of early intervention services or care of the child; and
- does not have a personal or professional interest that would conflict with his or her objectivity in implementing the process.

A person who otherwise qualifies as an impartial Due Process Hearing Officer is not an employee of an agency solely because the person is paid by the agency to implement the Due Process Hearing procedures or Mediation procedures under Part C of IDEA.

Parental Rights in Due Process Hearings (§303.436)

The MSDH/First Steps EIP ensures that the parents of a child referred to Part C of IDEA are afforded certain rights in the Due Process Hearing. Any parent involved in a Due Process Hearing has the right to:

- Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to early intervention services for infants and toddlers with disabilities;
- Present evidence and confront, cross-examine, and compel the attendance of witnesses;
- Prohibit the introduction of any evidence at the hearing that has not been disclosed to the parent at least five (5) days before the hearing;
- Obtain a written or electronic verbatim transcription of the Due Process Hearing at no cost to the parent; and
- Receive a written copy of the finding of fact and decisions at no cost to the parent.

Convenience of Hearings and Timelines (§303.437)

Any Due Process Hearing must be carried out at a time and place that is reasonably convenient to the parents. The MSDH/First Steps EIP ensures that, not later than 30 days after the receipt of a parent’s Due Process Complaint, the Due Process Hearing is completed, and a written decision is mailed to each of the parties. An impartial Hearing Officer may grant specific extensions of time beyond the 30-day time period at the request of either party.

Civil Action (§303.438)

Any party aggrieved by the findings and decision issued pursuant to a Due Process Hearing has the right to bring a civil action in Mississippi or a Federal court.

How to File a Due Process Hearing Request

A Due Process Hearing request may be initiated by submitting the attached *Complaint Under Part C of IDEA Form*, selecting Due Process Hearing, to:

Mississippi State Department of Health
First Steps Early Intervention Program
Attention: Part C Coordinator
P. O. Box 1700
Jackson, MS 39215

Upon receipt of the Due Process Hearing request, an impartial Due Process Hearing Officer will be appointed. The Due Process Hearing Officer will contact you to advise you of your rights and to schedule a Due Process Hearing at a place and time that is convenient for you within the 30-day timeframe from the receipt of the request.

MSDH/First Steps EIP – Due Process Hearing Procedure

Actions	Responsibility	Time Frame
The date is stamped on the Due Process Hearing request when received in MSDH/FS EIP office.	Administrative Secretary	Date of receipt of the Due Process Hearing request
Copies of the Mediation request are distributed as follows: The original to the Part C Coordinator; a copy to the Monitoring Coordinator; and a copy to all parties identified in the Hearing request.	Administrative Secretary	Within 5 days of receipt of the Due Process Hearing request
The Due Process Hearing request is logged in the Dispute Resolution Tracking Binder, and a schedule form is started	Part C Coordinator Monitoring	Within 5 days of receipt of the Hearing

Actions	Responsibility	Time Frame
to monitor timely resolution.	Coordinator	request
An impartial Due Process Hearing Officer is appointed, and the Hearing request is forwarded.	Part C Coordinator Monitoring Coordinator	Within 5 days of receipt of the Hearing request
The Due Process Hearing Officer contacts the Complainants to advise them of their rights during the Due Process Hearing and to schedule a date for the hearing at a time and place that is reasonably convenient to the parents. The complainants are informed that: <ul style="list-style-type: none"> ▪ A decision may be made to use Mediation at any time during the Due Process Hearing; and ▪ The child's early intervention services will continue as consented to on the IFSP unless a written request is received from the parents to terminate any service(s). 	Due Process Hearing Officer Complainant	Due Process Hearing Officer determines the date of contact with the complainant and the date of the hearing on a date that is reasonably convenient to the parent(s). The Due Process Hearing Officer may grant an extension of time at the request of either party.
The Due Process Hearing Officer contacts the respondent (person or agency against whom the complaint is made), provides a copy of the Due Process Complaint, and advises of the Due Process Hearing procedure including timelines.	Due Process Hearing Officer Respondent	Date determined by the Due Process Hearing Officer
The Due Process Hearing is held, with full transcription, and a written decision is mailed to the complainant, respondent, First Steps EIP, and others, as appropriate.	Due Process Hearing Officer	Due Process Hearing completed within 30 days of receipt of the request for the Due Process Hearing
The resolution date and all documents, including copies of the Due Process Hearing decision, are logged in the Dispute Resolution Tracking Binder and the child's early intervention record.	Part C Coordinator Monitoring Coordinator Service Coordinator	Within 5 days of receipt of the written decision



COMPLAINT FORM UNDER IDEA-PART C

Any individual, organization, or parent may document an allegation of a violation of Part C of the *Individuals with Disabilities Education Act* (IDEA) in general or with respect to an individual child and request an investigation under the Written State Complaint procedures. Parents have additional options for dispute resolution. Anyone filing a complaint and/or requesting dispute resolution procedures must complete the following form and submit it at the address listed below. For more information see the ***Child and Family Rights and Procedural Safeguards Booklet***.

I am requesting resolution via: Written State Complaint Mediation Due Process Hearing

This complaint form is being submitted with respect to the following individual child: Not Applicable

Child's Name: _____ Date of Birth: _____
First and Last Name

Address: _____

Service Provider: _____ Local EIP Region: _____
First and Last Name

What right(s) or regulation(s) under Part C of IDEA do you believe has been violated?

Provide a summary of the situation or complaint, being as specific as possible. Please describe any events, actions, and/or inaction with dates, if known. Use the back or additional pages as needed:

What resolution would you propose to remedy the situation, if any?

Complainant: _____ Relationship to Child: _____
First and Last Name – or – Organization Name If Applicable

Address: _____ Phone: _____

Signature: _____ Date: _____

Mail this form to: MSDH–Early Intervention, Attn: Monitoring Coordinator, P.O. Box 1700, Jackson, MS 39215-1700

SECTION III: GLOSSARY

Assessment (§303.321)

The ongoing procedures used by qualified, multidisciplinary personnel to identify (a) the child's unique strengths and needs and the early intervention services appropriate to meet those needs; (b) the family's resources, priorities, and concerns, and the supports and services necessary to enhance the family's capacity to meet the developmental needs of their infant or toddler with a disability; and (3) the nature and extent of early intervention services that are needed by the child and the child's family to meet the needs in (a) and (b) above throughout the period of the child's eligibility under Part C of IDEA. The **Initial Assessment** refers to the assessment of the child and the family assessment prior to the child's first IFSP meeting, which must be completed within 45 calendar days from the time First Steps EIP or the early intervention service program/provider receives the referral of the infant or toddler.

At-Risk Infant or Toddler (§303.5)

An at-risk infant or toddler means an individual under three years of age who would be at risk of experiencing a substantial developmental delay if early intervention services were not provided to the individual. An at-risk infant or toddler may include an infant or toddler who is at risk of experiencing developmental delays because of biological or environmental factors that can be identified, including low birth weight, respiratory distress as a newborn, lack of oxygen, brain hemorrhage, infection, nutritional deprivation, a history of abuse or neglect, and being directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure. The MSDH/First Steps EIP does not provide early intervention services to an at-risk infant or toddler unless that child meets eligibility criteria determined by an IFSP team based on a qualifying diagnosed condition, developmental delay, or by informed clinical opinion.

Business Day

A business day is defined as a working day that excludes weekends and holidays.

Child (§303.6)

Child means an individual under the age of six and may include an infant or toddler with a disability. First Steps EIP provides services to eligible infants or toddlers under three years of age.

Child Abuse Prevention and Treatment Act (CAPTA)

PL 93-247 defines child abuse and neglect while providing federal funding to States in support of prevention, assessment, investigation, prosecution, and treatment activities to reduce child abuse and neglect.

Day (§303.9)

A day means a calendar day, unless otherwise indicated.

Developmental Delay (§303.111)

A child with a developmental delay is defined as a child who has not attained developmental milestones expected for the child's chronological age (adjusted for prematurity) in one or more of the following areas: physical development (including vision and hearing), communication, social/emotional, cognitive, or adaptive skills. The child must be experiencing a delay equal to a score of 1.5 standard deviations below the mean in one area of development or a delay equal to 1.25 standard deviations below the mean in two or more areas of development as measured on individually administered standardized instrument.

Qualifying Diagnosed Condition (§303.21)

A child may be determined to be eligible for early intervention services based on documentation of diagnosis of qualifying physical or mental condition that has a high probability of resulting in developmental delay, including but not limited to: chromosomal abnormalities; genetic or congenital disorders; sensory impairments, including vision and hearing; inborn errors of metabolism; disorders reflecting disturbance of the development of the nervous system; congenital infections; severe attachment disorders; and disorders secondary to exposure to toxic substances, including fetal alcohol syndrome. The MSDH/First Steps EIP maintains a list of qualifying diagnosed conditions.

Disclosure

The permission of access to or the release, transfer, or other communication of the child's early intervention records or the personally identifiable information (PII) contained in those records, to any party. Disclosure may be by multiple means, including oral, written, or electronic means.

Due Process Complaint

A parent, early intervention service provider, or a lead agency may file a due process complaint, a written procedure which can be used to initiate complaints regarding any violation relating to the identification, evaluation, or placement of a child, or the provision of early intervention services to the infant or toddler with a disability and his or her family under Part C of IDEA.

Due Process Hearing

An impartial Due Process Hearing is one of the options the Mississippi State Department of Health (MSDH), as lead agency under Part C of IDEA, provides to resolve complaints with respect to a particular child related to the identification, evaluation, placement of a child, or the provision of early intervention services to the infant or toddler with a disability and his or her family under Part C of IDEA. Upon receipt of a written Due Process Complaint, an impartial Due Process Hearing Officer is appointed to implement the Complaint Resolution process. The hearing is carried out at a time and place that is reasonably convenient to parents. The Due Process Hearing is completed, and a written decision is mailed to each of the parties within 30 days of receipt of the written complaint.

Early Intervention Services (§303.13)

Developmental services that: (1) Are provided under public supervision; (2) Are selected in collaboration with the parents; (3) Are provided at no cost to eligible children and their families; (4) Are designed to meet the developmental needs of an infant or toddler with a disability and the needs of the family to assist appropriately in the infant's or toddler's development, as identified by the IFSP Team; (5) Meet the State of Mississippi standards, including the requirements of Part C of IDEA; (6) Are provided by qualified personnel; (7) Are provided in natural environments to the maximum extent appropriate; and (8) Are provided in conformity with an IFSP.

Early Intervention Service Provider (§303.12)

An entity, whether public, private, or nonprofit, or an individual that provides early intervention services under Part C of IDEA to infants and toddlers with disabilities. In Mississippi, such a provider is referred to as an early Intervention service provider or early intervention provider and may be an agency or an individual hired by or under contract with an early intervention service provider that is responsible for the supervision and/or provision of early intervention services. An early intervention service provider may participate in the ongoing assessment of the child and

the family-directed assessment of the resources, priorities and concerns of the infant's or toddler's family in the development of the goals and outcomes for the IFSP, provide early intervention services, and consult with and train parents and others regarding the provision of early intervention services.

Evaluation (§303.321)

The procedures used by qualified personnel (see definition below) to determine a child's eligibility (initial and ongoing) for early intervention services. An **initial evaluation** determines a child's initial eligibility for early intervention services and must be conducted in a timely manner (within 45 days of receipt of referral) and with parental consent. An evaluation must be comprehensive (include all areas of development), and be administered by a multidisciplinary evaluation team (see definition below) in the child's native language, unless clearly not feasible to do so.

Family

Defined according to each family's definition of itself, including significant others.

Family Assessment (§303.321)

Identification of the family's resources, priorities, and concerns, and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of their child with a disability.

Family Educational Rights and Privacy Act (FERPA)

A law that protects the privacy of student education records, which includes early intervention records under Part C of IDEA. FERPA is found in statute at 20 U.S.C. §1232g, and in regulations at 34 CFR Part 99.

First Steps Early Intervention Program (First Steps EIP)

The legislated program under the Mississippi State Department of Health that coordinates a statewide system of services in Mississippi for eligible children ages birth to three who have developmental delays, disabilities and/or diagnosed mental or physical conditions.

Free and Appropriate Public Education (FAPE) (§303.15)

Special education and related services that: (a) Are provided at public expense, under public supervision and direction, and without charge; (b) Meet the standards of the State educational agency, including the requirements of part B of IDEA; (c) Include an appropriate preschool, elementary or secondary school education; and (d) Are provided in conformity with an Individualized Education Plan (IEP).

Hearing Officer (§303.435)

An impartial Due Process Hearing Officer is appointed to implement the Dispute Resolution process when a complaint is received under Part C of IDEA. The person appointed must have knowledge of the provisions of Part C and the needs of, and the early intervention services available for, infants and toddlers with disabilities and their families. The Hearing Officer will listen to the presentation of relevant viewpoints regarding the due process complaint, examine all relevant information, seek a timely resolution, and provide a record of the proceedings, including a written decision.

Homeless Children (§303.17)

Children who meet the definition of the term *homeless children and youths* as defined in section 725 (42 U.S.C. 11434a) of the McKinney-Vento Homeless Assistance Act as amended, 42 U.S.C. 11431 *et seq.*, who lack a fixed, regular, and adequate nighttime residence. Homeless children include those who are sharing the housing of other persons due to loss of housing, economic hardship or similar reason; are living in motels, campgrounds, trailer parks, emergency shelters or abandoned in hospitals or are awaiting foster care placement; are living in cars, parks, public or private places not designed for or ordinarily used as regular sleeping accommodation; or migratory children.

Individuals with Disabilities Education Act (IDEA)

A law that makes available a free appropriate public education (FAPE) to eligible students with disabilities, ages 3 to 21, throughout the nation and ensures special education and related services to those children. Infants and toddlers, birth through age 2, with disabilities and their families receive early intervention services under IDEA Part C. Children and youth ages 3 through 21 receive special education and related services under IDEA Part B.

Individualized Education Program (IEP)

The written individualized plan required for eligible children under Part B of IDEA (3 to 21 years of age), which specifies the special education and related services designed to meet the individual child's unique educational needs.

Individualized Family Service Plan (IFSP) (§303.20)

A written plan under Part C of IDEA for providing early intervention services to an infant or toddler with a disability and to the infant's or toddler's family. A meeting to develop the initial IFSP must occur 45 days from the date of the child's referral, if the child is determined eligible for services after evaluation. The IFSP:

- is based on an evaluation and assessment that is completed within 45 days of referral;
- includes the specified content required by Part C of IDEA;
- is implemented as soon as possible and services provided within 40 days once parental consent for early intervention services is obtained; and
- is developed in accordance with the IFSP procedures as outlined in Part C of IDEA.

Infant and Toddler with a Disability (§303.21)

An individual under three years of age in need of early intervention services because the individual:

- Is experiencing a developmental delay, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas:
 - Cognitive development.
 - Physical development (including vision and hearing).
 - Communication development.
 - Social or emotional development.
 - Adaptive development; or
- Has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

Informed Clinical Opinion

A child may be determined to be eligible for early intervention services by means of Informed Clinical Opinion by qualified personnel, such as Physicians, Licensed Nurse Practitioners, Occupational Therapists, Physical Therapists, and Speech-Language Pathologists, based on

behavioral observation, medical or developmental history, medical recommendations, and/or parental input indicating the child has atypical development and is highly likely to experience a substantial developmental delay if early intervention services are not provided. Informed clinical opinion may be considered if a child does not have a qualifying diagnosed condition that is highly likely to result in developmental delay or if child's evaluation results do not meet the criteria for developmental delay. Informed clinical opinion may not be used to negate or nullify the results of the evaluation instruments used to establish eligibility.

Informed Consent (§303.7)

Informed consent means that the parent has been fully informed in his or her native language 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 the parent's consent is sought; and the consent form describes that activity and lists the early intervention records (if any) that will be released and to whom they 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. Revocation of consent is not retroactive, which means that it does not apply to an action that occurred before the consent was revoked.

Least Restrictive Environment (LRE)

LRE is a principle that determines where and how students with special needs receive free appropriate public education (FAPE). Students with disabilities should receive educational services with typically developing peers and should not be removed from the general classroom to the maximum extent possible.

Local Early Intervention Programs

Refers to a defined area of the state (i.e., selected counties) led by a Program Coordinator and multiple Service Coordinators. The Mississippi State Department of Health, which administers the First Steps Early Intervention Program, has nine Local Early Intervention Programs throughout Mississippi.

Local Education Agency (LEA) (§303.23)

Refers to the public board of education or other authority for either administrative control or direction of, or to perform a service function for public elementary schools or secondary schools in a city, county, township, school district or a combination of districts or counties. The LEA provides special educational services for eligible children ages three (3) to 21 and procedural safeguards under Part B of IDEA. In Mississippi, the LEA is the local public school district in which the child resides.

Mediation (§303.431)

A procedure established and implemented to allow parties to disputes involving any matter under Part C of IDEA to resolve disputes in an informal, timely (within 60 days of filing a written complaint), and non-adversarial atmosphere. Mediation is voluntary on the part of the parties and is conducted by a trained, qualified and impartial mediator in a location and at a time convenient to the parties in dispute. If mediation leads to dispute resolution, the parties execute a legally binding Mediation Agreement that is signed by both the parent and a representative of the lead agency (MSDH). Mediation is not used to deny or delay a parent's right to a Due Process Hearing or to deny any other rights under Part C of IDEA. The child's services will continue during this time unless a parent chooses to end the current services.

Mississippi Department of Education (MDE)

The state lead agency for receiving federal funds to administer the State's responsibilities under Part B of IDEA for eligible children ages three to age twenty-one.

Mississippi State Department of Health (MSDH) (§303.22)

The MSDH is the lead agency appointed by the governor to administer a statewide system of early intervention services for infants and toddlers ages birth to three in accordance with Part C of IDEA.

Multidisciplinary (§303.24)

The involvement of two or more separate disciplines or professions with respect to evaluation of the child and assessments of the child and family. At a minimum, a **multidisciplinary team** includes two individuals who are qualified in different disciplines or one individual who is qualified in more than one discipline. A Service Coordinator may serve as one of the two disciplines, if qualified and approved by the Program Coordinator.

Native Language (§303.25)

The language normally used by an individual, or, in the case of a child, the language normally used by the parents of the child. When used with respect to an individual who is deaf or hard of hearing, blind or visually impaired, or for an adult with no written language, native language means the mode of communication that is normally used by the individual (such as sign language, Braille, or oral communication).

Natural Environments (§303.26)

Natural environments are settings for an infant or toddler with a disability that are natural or typical for a same-aged infant or toddler without a disability. Natural environments may include the child's home or other settings in their community. Early intervention services must be provided in natural environments to the maximum extent appropriate.

Parent (§303.27)

"Parent" means a biological or adoptive parent of a child; a foster parent; a guardian generally authorized to act as the child's parent (but not the State or the child's social worker if the child is a ward of the State); 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 in accordance with Part C of IDEA requirements.

Payor of Last Resort (POLR)

Federal IDEA funds may be used when the lead agency has been determined to be the payor of last resort, meaning only for early intervention services that an infant or toddler needs but is not entitled to receive or have payment made from any other Federal, State, local, or private source.

Personally Identifiable Information (PII) (§303.29)

Any information that, when read or heard by another person, would clearly identify who was being discussed. Examples include names, date of birth, social security numbers, addresses, phone numbers, mother's maiden name, or other information that, alone or in combination, is linked or linkable to a specific child that would allow a reasonable person in the Early Intervention service community, who does not have personal knowledge of the relevant circumstances, to identify the child with reasonable certainty.

Prior Written Notice (PWN) (§303.421)

A written notice given to parent prior to the lead agency, or an early intervention service program/provider proposes, or refuses, to initiate or change the identification, evaluation, or placement of their infant or toddler, or the provision of early intervention services to the infant or toddler with a disability and the family. The prior written notice must be received by the parent at least five (5) business days prior to the action and include the description of the action being proposed or refused, reasons for taking the action and all procedural safeguards, including how to file a Written State Complaint, Mediation request and a Due Process Hearing request and any timelines applicable to those procedures.

Procedural Safeguards (§303.400)

The provision of protections for infants and toddlers and their families eligible under Part C of IDEA, which include confidentiality of and access to records, parental consent and notice, dispute resolution options and the appointment of a surrogate parent when needed.

Qualified Personnel (§303.31)

Personnel who have met State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the areas in which the individuals are conducting evaluations or assessments or providing early intervention services.

Screening (§303.320)

Activities that are carried out under Part C of IDEA to identify, at the earliest possible age, infants and toddlers suspected of having a disability and in need of early intervention services. Screening procedures include the administration of appropriate instruments by personnel trained to administer those instruments. It is required to provide the parent notice of the intent to screen the child and to obtain parental consent before conducting the screening procedures. In Mississippi, children referred by the Mississippi Department of Child Protective Services without a suspected delay are provided developmental screening prior to an evaluation. The provision of screening does not prohibit a parent from requesting an evaluation.

Service Coordinator

A person assigned to assist and enable an infant or toddler with a disability and the child's family to receive the services and rights under Part C of IDEA. A Service Coordinator serves as a single point of contact and is responsible for coordinating all services required under Part C of IDEA across agency lines. Service Coordination is an active and on-going process that involves coordinating screenings, evaluations and assessments; participating in the IFSP development; assisting parents of eligible infants and toddlers in gaining access to and coordinating the provision of early intervention and other services identified on the IFSP; informing families of their rights and procedural safeguards; coordinating funding for early intervention services; and facilitating the development of a transition plan to preschool services under Part B of IDEA, or other services.

State Lead Agency or Lead Agency (§303.22)

Refers to the Mississippi State Department of Health (MSDH), appointed as the state lead agency to receive funds to administer the State's responsibilities under Part C of IDEA for children with disabilities ages birth through two years in Mississippi.

Surrogate Parent (§303.422)

A person appointed by the lead agency within 30 days of determining a child needs a representative parent to ensure that the rights of the child are protected. A surrogate parent is

appointed when no parent can be identified for the child; a parent cannot be located, or the child is a ward of the State. The surrogate parent cannot have personal or professional interests that conflict with the interest of the child he or she represents and cannot be an employee of the lead agency, any other public agency, or a service provider that provides early intervention services, education, care, or other services to the child or any family member of the child. A surrogate parent must have knowledge and skills that ensure adequate representation of the child.

Transition (§303.209)

The activities that ensure the toddler and the toddler's family experience a smooth transition from Part C of IEA services to a preschool program under Part B of IDEA or other appropriate services when exiting the program First Steps. Components of transition include: (a) On-going discussions of the transition steps and services with the parent; (b) Notifying the Mississippi Department of Education (MDE) and sending a written child find letter to the Local Education Agency (LEA), the school district where the child resides, when the child is 27 months of age; (c) Holding a transition conference at least 90 days and not more than 9 months prior to the toddler's third birthday which includes the lead agency, the family, and the LEA, with consent of the family, to discuss any services the toddler may receive under part B of IDEA; and (d) a transition plan reviewing the program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year; and including services needed by the toddler and his or her family to support the transition of the child.

Ward of the State (§303.37)

A child who, as determined by the State where the child resides, is a foster child, a ward of the state, or in the custody of a public child welfare agency. Ward of the state does not include a foster child who has a foster parent who meets the definition of a parent in Part C of IDEA.

Written State Complaint (§303.432 - §303.434)

A written state complaint is one of the written procedures available for the timely administrative resolution of complaints on matters covered under Part C of IDEA. Such a complaint may include the lead agency or an early intervention service program/provider proposing or refusing to initiate or change the identification, evaluation, or placement of an infant or toddler, or the provision of early intervention services to the infant or toddler and the family. A Written State Complaint may be filed by an organization or individual and allege the violation occurred not more than one year prior to the date the complaint is received. The Written State Complaint must include a statement that a requirement of Part C of IDEA has been violated, include facts on which the statement is based, and be signed by the complainant and include the complainant's contact information. The complaint must be investigated, and a resolution letter sent to the complainant within 60 days of receiving the Written State Complaint.

SECTION IV: EARLY INTERVENTION RESOURCES

Early Intervention Resources

First Steps EIP maintains an online Resource Directory of statewide resources and services available to children and families in Mississippi. This Resource Directory may be accessed through the Mississippi State Department of Health website at <http://healthyms.com/EI> under Maternal and Child Health Programs. The following is a partial listing of agencies and advocacy groups available to assist families in Mississippi:

<p>The ARC of Mississippi 704 North President Street Jackson, MS 39202 Phone: (601) 355-0220 Fax: (601) 355-0221 Email: matt@arcms.org Website: www.arcms.org</p>	<p>Blind and Physically Handicapped Library Services/MS Library Commission 3881 Eastwood Drive Jackson, MS 39211-6473, Phone: (601) 432-4116, Toll free: (800) 446-0892 Fax: (601) 432-4476 Website: www.mlc.lib.ms.us</p>
<p>Brain Injury Association of Mississippi 1640 Lelia Drive Jackson, MS 39216 Phone: (601) 981-1021, Helpline: (800) 444-6443 Fax: (601) 981-1039 Website: https://www.msbraininjury.org/</p>	<p>Coalition for Citizens with Disabilities/ Mississippi Parent Training and Information Center (PTI) 2 Old River Place, Suite M Jackson, MS 39202 Phone: (601) 969-0601 Fax: (662) 655-4151 Website: http://www.msccd.org/</p>
<p>Disability Rights Mississippi 5 Old River Place, Suite 101 Jackson, MS 39202 Phone: (601) 968-0600 Toll Free: (800) 772-4057 Website: http://www.drms.ms/</p>	<p>Division of Medicaid Office of the Governor Walter Sillers Building, Suite 1000 550 High Street Jackson, MS 39201 Phone: (601) 359-6050 Toll free: 1-800-421-2408 Website: www.medicaid.ms.gov/</p>
<p>Families as Allies 840 E. River Place, Suite 500 Jackson, MS 39202 Phone: (601) 355-0915 Toll Free: (800) 833-9671 Fax: (601) 981-1696 Website: www.faams.org</p>	<p>March of Dimes, Mississippi Chapter Phone: (601) 933-1071 Fax: (601) 933-1152 Website: www.marchofdimes.org</p>
<p>Mississippi Centers for Autism and Related Developmental Disabilities 4061 Suzanne Dr., Suites C & D D'Iberville, MS 39540 Phone: 228-396-4434 Fax: 228-396-4438 Email: MCARDD@gmail.com Website: https://mscentersforautism.org/</p>	<p>Mississippi Council on Developmental Disabilities 1101 Robert E. Lee Bldg., 239 North Lamar Street Jackson, MS 39201 Phone: (601) 359-1270, (601) 359-6238 TDD: (601)359-6230 Fax: (601) 576-4040 Email: www.msccd.org ;</p>

<p>Mississippi Department of Education Office of Special Education Director's Office P.O. Box 771 Jackson, MS 39205-0771 Phone: (601) 359-3498 Website: http://www.mdek12.org/OSE</p>	<p>Mississippi Department of Human Services Division of Early Childhood Care & Development 200 South Lamar Street Jackson, MS 39201 Phone: (601) 359-4550 Website: www.mdhs.ms.gov/eccd</p>
<p>Mississippi Head Start Association 921 N. Congress Street Jackson, MS 39202 Phone: (601) 969-6979 Fax: (601) 969-6728 Email: nthomps@bellsouth.net Website: http://msheadstart.org/</p>	<p>Mississippi Head Start Collaboration Office Office of the Governor P.O. Box 139 Jackson, MS 39205 Phone: (601) 576-2021 Fax: (601) 576-2791</p>
<p>Mississippi State Department of Health Newborn Screening/ Genetics Department 570 East Woodrow Wilson Blvd., P.O. Box 1700 Jackson, MS 39215-1700 Phone: (601) 576-7619 FAX: (601) 576-7498</p>	<p>Mississippi State Department of Health Children and Youth with Special Health Care Needs (CYSHCN) 570 West Woodrow Wilson, Osborne Bldg. Jackson, MS 39215 Phone: (601) 576-7281 Toll Free: (800) 844-0898</p>
<p>Social Security Administration Federal Building 100 West Capitol Street Jackson, MS Toll free 1-800-772-121, (866) 331-8135 TDD Phone for the Deaf: (601) 965-5418 Website: www.ssa.gov/</p>	<p>TEAAM AUTISM P.O. Box 1 Taylorsville, MS 39168 Phone: (601) 782-9005 Email: Takeaction@teaam.org Website: www.teaam.org</p>
<p>The University of Southern Mississippi Institute for Disability Studies 118 College Drive, Hattiesburg, MS 39406-0001 Phone: (601) 266-5163 Toll Free: (888) 671-0051 Email: ids@usm.edu Website: https://www.usm.edu/ids/</p>	



SECTION V: CONTACT INFORMATION / ACKNOWLEDGEMENT OF RECEIPT OF CHILD AND FAMILY RIGHTS AND PROCEDURAL SAFEGUARDS BOOKLET

Child's name _____ MITI Number _____

First Steps EIP strives to maintain open communication among personnel and families. Your concerns, questions, and opinions are important to us. If you wish to contact your Service Coordinator, the Program Coordinator (your Service Coordinator's supervisor), or the Part C Coordinator, their contact information is provided below:

Service Coordinator	Program Coordinator	Part C Coordinator
		Part C Coordinator Mississippi State Dept. of Health 507 E. Woodrow Wilson P.O. Box 1700 Jackson, MS 39215 Phone: 601-576-7427 Toll-Free: 1-800-451-3903 Fax: 601-576-7540

I, _____, the parent of _____,
First and Last Name *First and Last Name*

acknowledge I have received a copy of the *Child and Family Rights and Procedural Safeguards Booklet*. A verbal explanation of my family's rights listed in this booklet was provided by _____ on _____.
First and Last Name, Title *Date*

I understand if I have any questions, I may contact my Service Coordinator, Program Coordinator, or the State Part C Coordinator using the above contact information.

Parent Signature _____ Date _____

EI Personnel Signature _____ Date _____