



A Family Companion Guide To Maryland's Parental Rights and Procedural Safeguards Notice

Maryland Infants and Toddlers Program



MARYLAND STATE DEPARTMENT OF EDUCATION
Division of Early Intervention and Special Education Services
Maryland Infants and Toddlers Program/Preschool Special Education Services

SEPTEMBER 2018

Maryland's
*Birth
to
K*
Early
Childhood
Intervention
& Education
System of Services
For Young Children
With Disabilities
and Their Families



About This Guide

A Companion Guide to Maryland's Parental Rights and Procedural Safeguards Notice is part of Maryland's Birth to Kindergarten Parent Information Series, a collection of publications designed to support families in the statewide early intervention and education system of services in Maryland.

To receive copies of this guide, or others in the series, contact your Local Infants and Toddlers Program. Refer to the back page of this guide for contact information.

Maryland's Parental Rights & Procedural Safeguards Notice

Each family of a child receiving early intervention or preschool special education services in Maryland receives a copy of the State's **formal procedural safeguards notice**, *Parental Rights: Maryland Procedural Safeguards Notice-Infants and Toddlers, Preschool Special Education, and Special Education*. The formal procedural safeguards notice includes a full explanation of parental rights as established by the federal Individuals with Disabilities Education Act (IDEA) and the Code of Maryland Annotated Regulations (COMAR).

Along with the formal procedural safeguards notice, each family receives a copy of the **parental rights companion guide**, *Parental Rights: A Companion Guide to the Maryland Procedural Safeguards Notice-The Maryland Infants and Toddlers Program*. The companion guide provides a brief overview of some of the key rights and responsibilities parents and caregivers have within Maryland's early intervention system of services and provides page numbers where parents may find additional information within the formal procedural safeguards notice.

Families also receive the formal procedural safeguards notice as part of **prior written notice**, and when the local Infants and Toddlers Program receives a formal complaint, or a parent requests a copy. Families may request a copy of the parental rights companion guide whenever they receive the formal procedural safeguards notice.

What The Law Says

The system of early intervention services for young children with disabilities and their families is governed by federal and State statutes and regulations. Both the *Individuals with Disabilities Education Act (IDEA)–Part C* and *Code of Maryland Annotated Regulations (COMAR) §13A.13.01–Early Intervention Services to Eligible Infants and Toddlers and Their Families*, require that all eligible children with disabilities are entitled to be identified, located, evaluated, and offered a free appropriate public education (FAPE) as described in each child's Individualized Family Service Plan (IFSP), in the natural environment, **at no cost to the family**, and with due process of law.



Understanding Your Rights

In Maryland, parents have a right to:

- **Receive notice of parental rights and proposed actions.**

Parents should receive clear, understandable information about their rights, activities, and written records. If you require another language or way of communicating, such as sign language or Braille, the Infants and Toddlers Program (ITP) will meet your needs. The ITP must give a parent advance notice, in writing, about decisions regarding evaluations, services, or actions affecting the provision of early intervention services to their child. The written notices assure that parents will be informed before services are initiated or any action is taken.

For more details, go to **page 2** in your copy of the formal Parental Rights-Maryland Procedural Safeguards Notice.

- **Give consent before any evaluation, assessment or service can begin.**

The local ITP needs parent permission to take any actions that change a child's Individualized Family Service Plan (IFSP). Parents should receive information to help them make responsible decisions about how their child and family will receive services. Parents have the right to accept or decline any early intervention service, in accordance with State and federal law, without jeopardizing the provision of other services.

For more details, go to **page 3** in your copy of the formal Parental Rights-Maryland Procedural Safeguards Notice.

- **Require that their child's and family's personal information be kept confidential.**

The local ITP values the information parents share about their child and family. To support a child's progress through a seamless system of services, developmental and educational information may be shared **without parental permission** between the local ITP and other local and State agencies, such as the local school system. This information can only be shared when the agency has been determined to have "legitimate educational interests."

For more details, go to **page 9** in your copy of the formal Parental Rights-Maryland Procedural Safeguards Notice.

With few exceptions, the local ITP must obtain **parent permission** before information is shared: 1) with anyone other than representatives of participating agencies collecting or using information under IDEA, or 2) for any purpose other than meeting the requirements of providing a child with early intervention and educational services under the IDEA. Additionally, to prepare a seamless transition from the ITP beginning when a child is 24 months old, directory information (including a child's name, date of birth, address, and phone number) is shared with the local school system by the Maryland State Department of Education (MSDE).



Understanding Your Rights

In Maryland, parents have a right to:

- **Review their family's Early Intervention Record and request amendments.**

Parents are partners in Maryland's early intervention process. Parents are entitled to view all information in their Early Intervention Record. The record contains personally identifiable information generated by the local Infants and Toddlers Program. The information may pertain to evaluation and assessment, development of the IFSP, and delivery of early intervention services. If a parent does not understand any part of the record, the information can be explained to the parent. If a parent believes the record contains inaccurate information or is missing information, the parent may request that the early intervention record be amended.

For more details, go to **page 10** in your copy of the formal Parental Rights-Maryland Procedural Safeguards Notice.

- **Resolve disagreements about early intervention services.**

Sometimes partners in early intervention may disagree about services for a child. If disagreements occur, parents have the right to seek any (or all) of the following processes: mediation, due process hearing, formal state complaint.

For more details, go to **pages 18-26** in your copy of the formal Parental Rights-Maryland Procedural Safeguards Notice.

- **Mediation:**

Mediation is a confidential, voluntary process for resolving disputes. A trained mediator helps the partners express their views and understand each other's position on the issue. The mediator's role is to help the partners discuss the issues and come up with a solution. The mediator does **not** take a position, take sides, or recommend a solution.

- **Due Process Hearing:**

Due Process Hearing is a formal procedure held with an Administrative Law Judge. The partners present testimony and provide witnesses to support their positions. The role of the Administrative Law Judge is to make a decision to resolve the disagreement.

- **Formal State Complaint:**

A State Complaint may be filed with the Maryland State Department of Education (MSDE) if a parent believes that a violation has occurred concerning a requirement of Part C of the Individuals with Disabilities Education Act (IDEA) or Maryland State law or regulations concerning early intervention services. When a State Complaint is filed, the MSDE is responsible for investigating the complaint and requiring changes (if needed) to correct any violation.

Family Support Help Line

If you need help to understand your parental rights, you may call Maryland's Family Support Services toll free:

1-800-535-0182



Glossary of Terms

Early Intervention Record:

Personally identifiable information about a child and family generated by the early intervention system that pertains to evaluation and assessment, development of the IFSP and delivery of early intervention services.

Single Point of Entry: The local contact point designated to accept referrals to the local Infants and Toddlers Program from sources who suspect developmental delay in an infant or toddler.

Due Process Complaint:

A written complaint filed by a parent or early intervention program involving any matter relating to the identification, evaluation, placement, or provision of a free appropriate public education (including early intervention services) to a child with a disability. A due process complaint must be submitted to the other party and the Office of Administrative Hearings.

Due Process Hearing: A formal procedure held before an Administrative Law Judge who is not an employee of the Maryland State Department of Education or local Infants and Toddlers Program.

Legitimate Educational Interests:

Pertain to the use of early intervention/educational information for the purpose of improving early intervention/educational services of individual children currently served through a local program, as well as for broader program improvement when prior or current individual child performance information can be used to improve implementation of the local early intervention or special education service delivery system.

Mediation: A confidential, voluntary process that allows partners to resolve disputes without a formal due process hearing. With mediation, a mediator helps the parties express their views and positions and understand the other's views and positions. The mediator's role is to help the parties discuss the issues and reach an agreement. The mediator's role is not to recommend a solution, take a position, or take sides.

Resolution Session: A mandatory meeting that the local lead agency must convene within 15 days of receiving a parent's due process complaint. The resolution session includes parents, members of the IFSP team who are relevant to the complaint, and a representative of the local lead agency who has the authority to make decisions.

State Complaint: A written complaint that can be filed by a parent or organization claiming that a local lead agency within the State has either violated a requirement of Part C of the Individuals with Disabilities Education Act (IDEA) or State law or regulations regarding early intervention services for children with disabilities. State complaints must be filed within one year of the alleged violation.



A Checklist for Parents

Can you answer "yes" to the following questions?

Understanding Maryland's system of early intervention services is important for families in participating in their local Infants and Toddlers Program. **If you cannot answer "yes" to any one of the questions below**, your service coordinator and local Infants and Toddlers Program can provide information.

Beginning the Early Intervention Process

- Do I understand the early intervention process in Maryland—including services, procedures, timelines, parental rights/procedural safeguards?
- Do I understand the evaluation process and how eligibility is determined?
- Do I understand my role in the evaluation process?
- Did I know that I can share my family's concerns and priorities in planning for my child's evaluation?
- Do I understand that I have to provide written consent for the evaluation?
- After the evaluation process, do I understand how my child's development compares to other children?
- Do I understand why my child is eligible for *and can benefit from* early intervention services?
- If my child was found NOT eligible for early intervention services, do I understand why?
- If my child was found NOT eligible for early intervention services, do I know what other resources may be available to my child, if needed?

The Individualized Family Service Plan (IFSP)

- Do I understand the purpose of the IFSP?
- Do I understand my role on the IFSP team?
- Do I know the timelines for completing and reviewing the IFSP? Do I understand I can request an IFSP review at any time?
- Do I understand the IFSP outcomes for my child, and the strategies and services that will be used to achieve the outcomes?
- Do I understand how the outcomes can help my child participate in home and community activities?
- Do I know when the services will begin, how often and where they will be provided, and for how long?
- Did I understand that I have to provide written consent for services to begin?
- Do I know that I can decline any *or* all IFSP services? Do I know how to access services in the future if I decline all services now?
- Do I know how progress will be determined?
- Do I know how to request changes in services?



A Checklist for Parents

Can you answer "yes" to the following questions?

The IFSP, continued

- Do I understand how the services will help my child prepare for school?
- Do I understand the transition process—including the transition planning meeting, timelines, service delivery options, and the transferring of my child's records?
- Do I understand the process of ending early intervention services?

Parental Involvement: Participating Fully in the Early Intervention Process

- If I need information shared in my native language or through a mode of communication such as sign language, has the local ITP met my need?
- Do I understand how I can help my child to develop and learn?
- Do I know what to do if I have a concern about my child's early intervention program?
- Do I know what to do if I have a complaint about any aspect of my child's early intervention program?
- Do I know about advocacy and family support programs and how to access them?

- Do I know how early intervention information is shared and how my family's records are kept confidential?
- Do I save documents and notes that are important to my child's early intervention program?
Documents that include:
 - Current and past IFSPs
 - Medical evaluation reports
 - Early intervention evaluation reports
 - Parental Rights/Procedural Safeguards Notice
 - Signed release of information forms
 - Notes from home visits
 - Communications from service providers
 - Notes from IFSP meetings
 - Notes from telephone conversations
- Do I know that Maryland has a statewide network of Family Support Services (FSS) coordinators? FSS coordinators are available to assist families of children with disabilities by:
 - Answering questions about early intervention and special education services
 - Supporting families in planning for transition
 - Providing more information about resolving disagreements.
- Do I know that my service coordinator can provide information—including contact information—for my local Family Support Services Coordinator?

More Resources for Families

For additional information, contact your:

Local Infants and Toddlers Programs

Allegany County	301-759-2415
Anne Arundel County	410-222-6911
Baltimore City	410-396-1666
Baltimore County	410-809-2169
Calvert County	410-414-7034
Caroline County	410-479-3246
Carroll County	410-876-4437, ext. 2277
Cecil County	410-996-5444
Charles County	301-609-6808
Dorchester County	410-221-1111, ext. 1024
Frederick County	301-600-1612
Garrett County	301-533-0240
Harford County	410-638-3823
Howard County	410-313-7017
Kent County	410-778-7164
Montgomery County	240-777-3997
Prince George's County	301-925-6627
Queen Anne's County	443-758-0720, ext. 4458
Somerset County	410-651-1616, ext. 239
St. Mary's County	301-475-5511, ext. 32223
Talbot County	410-820-0319
Washington County	301-766-8217
Wicomico County	410-677-5250
Worcester County	410-632-5033
Maryland School for the Blind	410-444-5000
Maryland School for the Deaf	410-480-4545

Online Resources from the Division of Early Intervention and Special Education Services

Maryland Learning Links offers information and resources related to Early Intervention and Special Education in Maryland. Whether you are a parent, teacher or provider, you are sure to benefit from the site's comprehensive and user-friendly blend of knowledge and real-world practice, all of it built on the belief that every child can learn and achieve both inside and outside the classroom. *Maryland Learning Links* was developed and produced by the Maryland State Department of Education, Division of Early Intervention and Special Education Services, in collaboration with the Johns Hopkins University, Center for Technology in Education (<https://marylandlearninglinks.org/birth-to-kindergarten/>).

Maryland Public Schools. The Maryland State Department of Education, *Division of Early Intervention and Special Education Services* provides leadership, support, and accountability for results to local school systems, public agencies, and stakeholders through a seamless system of coordinated services to children and students with disabilities, birth through 21, and their families (<http://marylandpublicschools.org/programs/Pages/Special-Education/index.aspx>).

A Spanish translation of this guide is available online at **Maryland Public Schools** (<http://marylandpublicschools.org/programs/Pages/Special-Education/info.aspx>).

Additional Information

Maryland State Department of Education
Division of Early Intervention and Special Education Services
200 West Baltimore Street, Baltimore, Maryland 21201
410-767-7770 phone | 410-333-8165 fax | 1-800-535-0182 toll free

© 2011-2018 Maryland State Department of Education

This publication was developed by the Maryland State Department of Education, Division of Early Intervention and Special Education Services with funds from the U.S. Department of Education, Grant #H393A090124A, Special Education-Grants for Infants and Families "Recovery Funds" under PL 105-17/111-5 Individuals with Disabilities Education Act/American Recovery and Reinvestment Act. The Maryland State Department of Education, Division of Early Intervention and Special Education Services is lead agency for the Maryland Infants and Toddlers Program, the statewide program of services and supports coordinated by State and local agencies and organizations. Users who copy or share the information contained in this publication must credit the Maryland State Department of Education, Division of Early Intervention and Special Education Services, Marcella E. Franczkowski, Assistant State Superintendent.

Karen B. Salmon, Ph.D.
State Superintendent of Schools

Justin M. Hartings, Ph.D.
President
Maryland State Board of Education

Larry Hogan
Governor

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

September 2018

