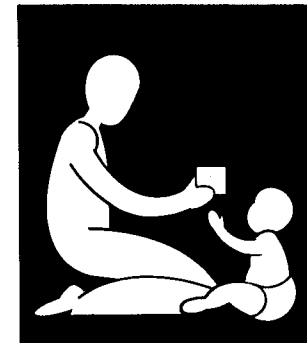


**NOTICE OF
INFANT/TODDLER AND FAMILY
RIGHTS UNDER
BABIES CAN'T WAIT**



Revised June 2004
DPH04-132HW



Early Intervention Because
Babies Can't Wait

**Georgia Department of Human Resources
Division of Public Health
Family Health Branch**

Notes:

Foreward

My Service Coordinator is:

His/Her phone number is:

Other ways that I can contact him/her include:

Address:

Email:

Pager:

Cell phone:

The Notice of Infant/Toddler and Family Rights Under Babies Can't Wait describes your child's and family's rights, as defined by Part C of the Individuals with Disabilities Education Act (IDEA). IDEA is a federal law which includes provisions for early intervention services for eligible children starting at birth. To support the implementation of these federal requirements, Georgia has developed policies and procedures which meet these federal and state Part C requirements.

Because this document is an official notice of your rights under federal law and regulations, some terms may be unfamiliar to you. For this reason, some words are defined where they are used in the document and others are defined in the Glossary.

The service coordinator working with your family can suggest additional materials to help you understand your rights. He/she can also suggest ways that you and other family members can be partners with professionals to help meet the developmental needs of your child.

For more information contact:
Babies Can't Wait
Office of Children with Special Needs
Family Health Branch/Division of Public Health
Georgia Department of Human Resources
2 Peachtree Street, NW
Suite 11-206
Atlanta, GA 30303-3186
(404) 657-2726
1-888-651-8224 (Toll Free)
<http://health.state.ga.us/programs/bcw/>

Table of Contents

Key Points in Process from Referral
to Individualized Family Service Plan (IFSP)
Development 1

Introduction 2

Parental Consent 6

Prior Notice 7

Examination of Records 8

Confidentiality of Information 9

Resolution of Individual Child Complaints 13

Mediation 14

Impartial Due Process Hearing 15

Administrative Complaints 18

Surrogate Parents 20

Glossary 24

Local Babies Can't Wait (BCW)
Contact Information 25

My Service Coordinator Information 26

Notes 27

Local Babies Can't Wait Program Contact Information

The Local Program Coordinator is:

His/Her phone number is:

The local office address is:

The fax number for the local office is:

Multidisciplinary: The involvement of two or more disciplines or professions in the provision of integrated and coordinated services, including evaluation and assessment activities in § 303.322 and development of the IFSP in § 303.342.

Natural Environments: Settings that are natural or normal for children who are your child's age and who do not have a disability.

Parent: "Parent" means a natural or adoptive parent(s), a guardian, a person acting in the place of the parent, such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare, a surrogate parent who has been assigned in accordance with § 303.406, or a foster parent consistent with BCW standards.

State Lead Agency: Refers to the Department of Human Resources, Division of Public Health as the appointed lead agency for Part C of IDEA in Georgia.

Note: All citations contained in this glossary are references to 34 CFR Part 303.

Key Points in Process from Referral to IFSP Development

Referral -

Your child can be referred to Babies Can't Wait by you or another individual (pediatrician, nurse, child care provider, therapist, another parent, etc.). *Referrals* may be made by telephone, fax, in writing, or in person. The **45-day timeline** begins on the day the referral is received by Babies Can't Wait.

Intake -

The *intake* meeting will be your first face-to-face contact with Babies Can't Wait personnel. During this meeting, you will be asked about your child and his/her developmental and medical history as well as your priorities as a family. You will also be provided with written prior notice and asked for your consent to evaluate your child. You may also be asked for your written consent for Babies Can't Wait to request pertinent information about your child from his/her doctors and others involved in his/her life.

Parental Prior Notice -

Written prior notice must be given to parents/legal guardians at least **10 days** before Babies Can't Wait proposes or refuses to initiate or change the identification, evaluation, or placement of your child, or the provision of appropriate early intervention services to your child and family. You will be given prior notice before your child's evaluation, if he/she is found to be eligible for Babies Can't Wait, and before his/her individualized family service plan is developed or modified.

Key Points in Process from Referral to IFSP Development (continued)

Parental Consent –

Consent means that you, as your child’s parents/legal guardians, have been fully informed of all information about the activity for which you are asked to consent. Information must be provided to you in your native language or other mode of communication unless it is clearly not feasible to do so. You will be asked to provide consent before each screening, evaluation and assessment is conducted and before early intervention services are provided.

Screening -

Screening involves the use of selected tools or procedures during the intake visit or other appropriate time to determine whether further evaluation and assessment activities are warranted for your child. Screening may or may not be completed for your child and family.

Evaluation & Assessment -

Evaluation means the use of tools and procedures by qualified professionals to determine your child’s initial and continuing eligibility for Babies Can’t Wait. *Assessment* means the ongoing use of tools and procedures by qualified professionals to identify your child’s unique strengths, needs, as well as the resources priorities and concerns of your family and the supports and services necessary to enhance your family’s capacity to meet the developmental needs of your infant or toddler with special needs.

Family Assessment: 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 the child.

Individualized family service plan (IFSP): A written plan for providing early intervention services to eligible children/families that:

- (a) Is developed jointly by the family and appropriate, qualified personnel providing early intervention services;
- (b) Is based on the multidisciplinary evaluation and assessment of the child and the assessment of the strengths and needs of the child’s family, as determined by the family and as required in 34 CFR 303.322;
- (c) Includes developmental outcomes, strategies, and activities; and
- (d) Includes services necessary to enhance the development of the child and the capacity of the family to meet the special needs of the child.

Local Lead Agency: Refers to one of the Boards of Health which administers the local Babies Can’t Wait system through each of the 19 health districts.

Mediation: Mediation is a process that helps parents, BCW, and providers resolve a disagreement in an informal, non-adversarial atmosphere. Mediation is voluntary and both parties must freely agree to participate. It is quicker than going to a hearing or court. Both parties participate in putting an agreement together and must approve the agreement. Mediation may not be used to deny or delay your right to an impartial hearing.

GLOSSARY

Assessment: The ongoing procedures used by appropriate, qualified personnel throughout the period of a child's eligibility under BCW to identify:

- (a) The child's unique strengths and needs and the services appropriate to meet those needs;
- (b) The resources, priorities, and concerns of the family, 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
- (c) 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.

Disclosure: To permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any party. Disclosure may be by multiple means, including oral, written, or electronic means.

Evaluation: The procedures used by appropriate, qualified personnel to determine a child's initial and continuing eligibility under BCW. The procedures used must be consistent with the definition of "infants and toddlers with disabilities" in 34 CFR 303.16, including determining the status of the child in each of the developmental areas.

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

Key Points in Process from Referral to IFSP Development (continued)

Individualized Family Service Plan (IFSP) Development—

Babies Can't Wait Standards require that each child's *individualized family service plan* (IFSP) must be developed within **45 days** of the receipt of the referral. When delays are requested or initiated by a family for any reason (illness, hospitalization, vacation, work schedules, etc.), this timeline requirement is not in effect and may delay the initiation of services for your child and family.

Introduction

Part C of the IDEA system in Georgia, known as Babies Can't Wait (BCW), is designed to maximize family involvement and ensure parental consent in each step of the process from the determination of eligibility through service delivery. Safeguards or rights have been established to protect parents and children. Parents must be informed about these rights or safeguards so they can have a leadership role in services to their children. Participation in the Georgia BCW for infants and toddlers is voluntary for you and your family.

Under BCW in Georgia, you as a parent, have the following rights:

- The right to a timely multidisciplinary evaluation and assessment and the development of an Individualized Family Service Plan (IFSP) within forty-five (45) calendar days from referral to BCW;
- If eligible under BCW, the right to appropriate early intervention services for your child and family as addressed in an IFSP;

In Georgia, "appropriate early intervention services" are determined through the IFSP process. The IFSP must contain a statement of the specific early intervention services necessary to meet the unique needs of the child and the family to achieve the outcomes identified in the IFSP. Federal regulations define early intervention services as services that "are designed to meet the developmental needs of each child eligible under this part and the needs of the family related to enhancing the child's development."

- under this section is not an employee solely because he or she is paid by a public agency to serve as a surrogate parent; and
- (d) Resides in the same general geographic area as the child, whenever possible.

A surrogate parent may represent the child in all matters relating to:

- (1) The evaluation and assessment of the child;
- (2) Development and implementation of the child's IFSPs, including annual evaluations and periodic reviews;
- (3) The ongoing provision of early intervention services to the child; and
- (4) Any other rights established under BCW.

A complaint alleging a public agency's or private service provider's failure to implement a due process decision must be resolved by the Lead Agency.

SURROGATE PARENTS

The rights of children eligible under BCW are protected even if:

- (1) No parent can be identified;
- (2) The local lead agency, after reasonable efforts, cannot discover the whereabouts of a parent; or
- (3) The child is a ward of the state under the laws of Georgia.

An individual is assigned to act as a "surrogate" for the parent according to the procedures that follow. The procedures include a method for determining whether a child needs a surrogate parent and assigning a surrogate to the child. The following criteria are employed when selecting surrogates:

- (1) Surrogate parents are selected in the manner authorized by state law.
- (2) A person selected as a surrogate parent:
 - (a) Has no interest that conflicts with the interest of the child he or she represents;
 - (b) Has knowledge and skills that ensure adequate representation of the child;
 - (c) Is not an employee of any state agency or a person or an employee of a person providing early intervention services to the child or to any family member of the child. A person who otherwise qualifies to be a surrogate parent

- The right to evaluation, assessment, IFSP development, service coordination, and procedural safeguards at no cost. You may be charged for other early intervention services based on the Financial Analysis for Cost Participation. However, your inability to pay, as defined by the Financial Analysis for Cost Participation, will not prevent your child or your family from receiving early intervention services.
- The right to refuse evaluations, assessments, and services;
- The right to be invited to and participate in all IFSP meetings;
- The right to receive written notice 10 calendar days before a change is proposed or refused in the identification, evaluation, or placement of your child, or in the provision of services to your child or family;
- The right to receive services in your child's natural environment to the extent appropriate;
- The right to maintenance of the confidentiality of personally identifiable information;
- The right to review and, if appropriate, correct early intervention records;
- The right to an impartial due process hearing to resolve parent/provider disagreements; and
- The right to file an administrative complaint.

In addition to the general rights listed above, you are entitled to be notified of specific procedural safeguards under BCW. These rights include: Parental Consent; Prior Notice; Examination of Records; Confidentiality of Information; Individual Child Complaints; Administrative Complaints; and Surrogate Parents. Each of these safeguards is described below.

PARENTAL CONSENT

Consent means that: (1) you have been fully informed of all information about the activity for which consent is sought, in your **native language**, or other mode of communication; (2) you understand and agree in writing to the carrying out of the activity for which your consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and (3) you understand that the granting of consent is voluntary on your part and may be revoked at any time.

Native Language: Where used with reference to persons of limited English proficiency, means the language or mode of communication normally used by the parent of an eligible child.

Your written consent must be obtained before:

- (1) Evaluation(s) and assessment(s) of your child is conducted; and
- (2) Early intervention services are provided.

If you do not consent, the local lead agency shall make reasonable efforts to ensure that you:

- (a) Are fully aware of the nature of the evaluation and assessment or the services that would be available; and
- (b) Understand that your child will not be able to receive the evaluation and assessment or services unless consent is given.

If you do not give your consent for an initial evaluation, the local lead agency may: (1) provide you with relevant literature or other materials; (2) offer you peer counseling to

Once the State Lead Agency has received the complaint, they have 60 calendar days (unless exceptional circumstances exist) to investigate the complaint and issue a written decision that contains the facts and conclusions, and the reasons for the final decision. The individual or organization filing the complaint has the opportunity to submit additional information, either orally or in writing, about the complaint. If the final decision indicates that appropriate services were/are not being provided, the State Lead Agency must address how to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action. The State Lead Agency must also address appropriate future provisions of services for all infants and toddlers with disabilities and their families. For more information about these complaint procedures, contact the State BCW Office at (404) 657-2726 or 1-888-651-8224.

If a written complaint is received that is also the subject of a due process hearing, or contains multiple issues, of which one or more are part of that hearing, the State must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved within the 60-calendar-day timeline using the complaint procedures described in this document.

If an issue is raised in an administrative complaint that has been previously decided in a due process hearing involving the same parties -

- (i) The hearing decision is binding; and
- (ii) The Lead Agency must inform the complainant to that effect.

If the disagreement (complaint) involves an application for initial services, your child and family must receive those services that are not in dispute.

ADMINISTRATIVE COMPLAINTS

In addition to the Individual Child Complaints process (discussed in the previous section) an individual or organization, including an individual or organization from another state, may file a written signed complaint that any public agency or private service provider participating in BCW is violating a requirement of the Part C program. The complaint must include:

- (1) A statement that a requirement of Part C has been violated by the local lead agency; and
- (2) The facts on which the complaint is based.

Complaints must be mailed to Babies Can't Wait, Division of Public Health, Georgia Department of Human Resources, #2 Peachtree Street, Room 11-206, Atlanta, Georgia 30303-3186. Complaints may also be submitted via fax to (404) 657-2763. The complaint must be filed with the State Lead Agency within a year of the alleged violation. Under certain circumstances, the period for filing the complaint may be longer:

- (1) If the violation is still occurring for that child or other children;
- (2) If the person filing the complaint is requesting reimbursement or corrective action for a violation that occurred within three years of filing the complaint.

help your understanding of the value of early intervention and to address your concerns about participation in the BCW system; (3) periodically renew contact with you, on an established time schedule, to see if changed your mind about participation in BCW; and (4) initiate an impartial due process hearing for resolving this parent/provider disagreement.

In addition, as the parent of a child eligible under BCW, you may determine whether you, your child, or other family members will accept or refuse any early intervention service(s) under this program. You may also refuse such a service after first accepting it without jeopardizing other early intervention services under BCW.

Finally, you have the right to written notice of and written consent to the exchange of any **personally identifiable information** collected, used, or maintained under BCW. (See section on Confidentiality of Information).

Personally identifiable information includes: 1) the name of your child, your name, or the name of other family members; 2) the address of your child; 3) a personal identifier, such as your child's or your social security number; or 4) a list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

PRIOR NOTICE

Written prior notice must be given to you 10 calendar days before the local lead agency proposes or refuses to initiate or change the identification, evaluation, or placement of your child, or the provision of early intervention services to your child and your family. The notice must be sufficiently detailed to inform you about:

- (1) The action that is being proposed or refused;
- (2) The reasons for taking the action;
- (3) All procedural safeguards that are available under BCW; and
- (4) The BCW complaint procedures, including a description of how to file a complaint and the timelines under these procedures. (See page 17: Administrative Complaints).

The notice must be:

- (1) Written in language understandable to the general public and provided in your native language, unless it is clearly not feasible to do so.
- (2) If your native language or other mode of communication is not a written language, the local lead agency shall take steps to insure that:
 - (a) The notice is translated orally or by other means to you in your native language or other mode of communication;
 - (b) You understand the notice; and
 - (c) There is written evidence that the requirements of this section have been met.
- (3) If you are deaf, blind, or have no written language, the mode of communication must be that normally used by you (such as sign language, Braille, or oral communication).

EXAMINATION OF RECORDS

In accordance with the Confidentiality of Information procedures outlined in this booklet, you must be given the opportunity to inspect and review records related to evaluations and assessments, eligibility determinations,

Under BCW, you are given the rights listed below in any impartial due process hearing carried out under this section.

- (1) To be accompanied and advised by a lawyer and by individuals with special knowledge or training about early intervention services for children under BCW;
- (2) To present evidence and confront, cross examine, and to compel the attendance of witnesses;
- (3) To prohibit the introduction of any evidence at the proceedings that has not been disclosed to you at least five calendar days before the proceeding;
- (4) To obtain a written or electronic verbatim (word by word) transcription of the proceeding; and
- (5) To obtain written findings of fact and decisions.

Any proceedings for implementing the impartial due process hearing process in this section must be carried out at a time and place that is reasonably convenient to you.

No later than 30 calendar days after receipt of your disagreement (complaint), the impartial due process hearing required under this section must be completed and a written decision must be mailed to each of the parties.

Any party not satisfied with the findings and decision of the impartial due process hearing has the right to bring a civil action in state or federal court.

During the pendency (time period) of any proceeding involving a parent/provider disagreement (complaint), unless the local lead agency and you otherwise agree, your child and family will continue to receive the appropriate early intervention services currently being provided.

The Office of State Administrative Hearings will assign the hearing officer to conduct the hearing. Hearing officers are impartial persons appointed to conduct the impartial due process hearing. The hearing officer must:

- (1) Have knowledge about the provisions of BCW and the needs of, and services available for, eligible children and their families; and
- (2) Perform the following duties:
 - Listen to the presentation of relevant views about the complaint/disagreement;
 - Examine all information related to the issues;
 - Seek to reach a timely resolution of the disagreement; and
 - Provide a record of the proceedings, including a written decision.

Hearing officers used in a **impartial due process hearing** and mediators used in mediation must be “impartial”.

Impartial means that the person appointed to serve as the hearing officer (or mediator) of the impartial due process proceeding:

- (1) Is not an employee of any agency or program involved in providing early intervention services to or care of the child;
- (2) Does not have a personal or professional interest that would conflict with his or her objectivity in implementing the process;
- (3) Is not a local board of health official.

A person who is otherwise qualified under this section is not considered an employee of an agency solely because he/she is paid by the agency to implement the disagreement resolution process.

development and implementation of IFSPs, individual complaints dealing with your child, and any other portion of BCW involving records about your child and your family.

CONFIDENTIALITY OF INFORMATION

The local lead agency gives you the opportunity to inspect and review any early intervention records relating to your child which are collected, maintained, or used by BCW. The local lead agency complies with a request without unnecessary delay and before any meeting regarding an IFSP or hearing related to identification, evaluation, placement, or provision of appropriate early intervention services, in no case, more than 45 calendar days after the request has been made.

The following definitions are used in this section:

- 1) **Destruction** means physical destruction or removal of personal identifiers from information so that it is no longer personally identifiable;
- 2) **Early Intervention Records** means the records covered by Family Education Rights and Privacy Act (FERPA); and
- 3) **Participating agency** means any agency or institution which collects, maintains, or uses personally identifiable information, or from which information is obtained, under this part.

The right to inspect and review early intervention records includes:

- (1) The right to a response from the local lead agency to reasonable requests for explanations and interpretations of the early intervention record;

- (2) The right to request that the local lead agency provide copies of early intervention records containing the information if failure to provide these copies would effectively prevent you from exercising the right to inspect and review the early intervention records; and
- (3) The right to have someone who is representing you inspect and review the early intervention record.

The local lead agency may presume that you have the authority to inspect and review early intervention records relating to your child unless the local lead agency has been advised that you do not have the authority under applicable state law or court order governing such matters as guardianship, separation, and divorce.

Each local lead agency shall keep a record of parties obtaining access to early intervention records collected, maintained, or used under BCW (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the early intervention record.

If any early intervention record includes information on more than one child, you have the right to inspect and review only the information relating to your child, or to be informed of that specific information.

The local lead agency shall provide you, upon request, a list of the types and locations of early intervention records collected, maintained, or used by the agency.

The local lead agency may charge a fee for copies of early intervention records which are made for parents under BCW if the fee does not effectively prevent you from exercising your right to inspect and review those early intervention

A mediation agreement must be to the satisfaction of both parties and must not conflict with state or federal law or policy of BCW. Both parties must sign the agreement and are given a copy of the written agreement at the end of the mediation. Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent impartial due process hearings or civil proceedings, and the parties to the mediation process may be required to sign a confidentiality pledge prior to the beginning of the process.

BCW is responsible for any costs that are associated with the mediation process. There is no cost to you as the parent(s).

You may simultaneously file a request for mediation and for an impartial due process hearing. If an agreement is reached in mediation, the hearing is canceled.

Impartial Due Process Hearing

An impartial due process hearing is a formal procedure conducted by an impartial hearing officer. The impartial due process hearing must be completed, and a written decision made, within 30 calendar days of the request. (Mediation, if attempted, must occur within the same 30 calendar days).

As a parent(s), you may initiate a complaint by notifying the local lead agency, in writing, of the request for an impartial due process hearing. You must sign the complaint and include a statement identifying the point(s) of disagreement related to the identification, evaluation, placement of your child, or provision of appropriate early intervention services to your child or family.

Mediation

Georgia offers mediation as a possible alternative to resolving disagreements. Mediation is viewed as voluntary and freely agreed to by both parties. Parents/providers are not required to use it. Mediation may not be used to deny or delay your right to an impartial due process hearing under BCW or any other rights under BCW. If mediation is requested, it must be completed within 14 calendar days.

A request for mediation must be made to the local lead agency in writing. This request must be signed by the parties filing the request and should contain a statement identifying the point(s) of disagreement related to the identification, evaluation, and placement of your child, or provision of appropriate early intervention services to your child or family.

Georgia's BCW contracts with The Justice Center of Atlanta for mediation services. The Justice Center of Atlanta maintains a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services, including early intervention. The Justice Center of Atlanta will be notified of the request for mediation and will contact both parties to review the complaint and the mediation process and to schedule a time and location for the mediation. The mediation will be scheduled in a timely manner and held in a location that is convenient to both parties. A qualified and impartial mediator who is trained in effective mediation techniques will meet with both parties to help them find a solution to the complaint in an informal, non-adversarial atmosphere.

records. They may not charge a fee to search for or to retrieve information under BCW.

If you believe that information in early intervention records collected, maintained, or used under BCW is inaccurate or misleading, or violates the privacy or other rights of your child or family, you may request that the local lead agency amend the information.

- (1) The agency decides whether to amend the information in accordance with the request, within a reasonable period of time after receiving the request.
- (2) If the agency refuses to amend the information as you requested, you will be informed of the refusal and be advised of the right to a hearing.

The local lead agency, on request, provides an opportunity for a hearing to challenge information in early intervention records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

- (1) If, as a result of the hearing, it is determined that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the local lead agency will amend the information accordingly and will inform you in writing.
- (2) If, as a result of the hearing, it is determined that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, you will be informed of your right to place in the early intervention records of the child a statement commenting on the information and setting forth any reasons for disagreeing with the hearing decision.

Any explanation placed in the early intervention records of the child under this section must: (a) be maintained by the local lead agency as part of the early intervention records of the child, as long as the early intervention record or contested portion (that part of the record with which you disagree) is maintained by such agency; and (b) if the early intervention records of the child or the contested portion are disclosed by such agency to any party, the explanation must also be disclosed to the part.

A hearing held under this section must be conducted according to the procedures under the Family Education Rights & Privacy Act (FERPA), which is found in statute at 20 U.S. C. §1232g, and in regulations at 34 CFR Part 99. These procedures may also be found in BCW Standards and Implementation Manual, Procedural Safeguards Section.

Parental consent must be obtained before personally identifiable information is (1) disclosed to anyone other than officials of participating agencies collecting or using information under BCW, subject to the next paragraph of this section; or (2) used for any purpose other than meeting a requirement under BCW.

Information from your child's early intervention record can not be released to participating agencies without your consent unless the agency participating in BCW is authorized to do so under FERPA.

The following safeguards must be in place to ensure confidentiality of records:

- Each local lead agency protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages;
- One official of each local lead agency is responsible for insuring the confidentiality of any personally identifiable information;
- All persons collecting or using personally identifiable information receive training or instruction regarding Georgia's BCW policies and procedures which comply with IDEA and FERPA;
- Each local lead agency maintains, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information;
- The local lead agency informs parents when personally identifiable information collected, maintained, or used under BCW is no longer needed to provide services to the child; and
- The information is destroyed, at the request of the parents. (Permanent early intervention records of the child's name, address, phone number, and dates of early intervention services shall be maintained.)

RESOLUTION OF INDIVIDUAL CHILD COMPLAINTS

If you disagree with the local lead agency on the (1) identification, (2) evaluation, (3) placement of your child, or (4) provision of appropriate early intervention services to your child or family, you have the right to a timely administrative resolution of your concerns through mediation and/or an impartial due process hearing.