

Welcome



Infant & Toddler Connection of Fairfax-Falls Church

12015 Route 50 • Suite 200 • Fairfax, VA 22033 • (703) 246-7121



Infant & Toddler Connection of Fairfax-Falls Church

Department of Neighborhood and Community Services
Providing IDEA Part C Early Intervention Services

Dear Family,

I would like to take this opportunity to welcome your family to our program. We understand that you have concerns about your child's development. We want you to understand that our staff will listen to your concerns and answer any questions that you may have regarding your child and our services.

This book contains valuable information about our program. It tells you who we are, what we do, and how we do it. It also contains important information about your rights.

Your service coordinator will be your primary contact with the program and will make sure that you understand the program, receive the services to which you are entitled, and that the services are provided in a timely fashion. In other words, please contact your service coordinator whenever you have a concern, change in family circumstance, or experience an anxious moment regarding your child or services.

We also have Regional Family Support Liaisons at each office to assist parents with resources and amazing opportunities for you to make connections with other families, build your support network and provide a safe, comfortable environment for your children to play.

For further information about our services, visit [Infant & Toddler Connection \(ITC\) | Neighborhood and Community Services \(fairfaxcounty.gov\)](https://www.fairfaxcounty.gov/itc).

For more information about the federal program (Part C), visit [itcva.online](https://www.itcva.online)

Sincerely,

Adriana Gallego Gomez, MS, CPM
Director
Infant Toddler Connection of Fairfax-Falls Church
703-246-7121



THE EARLY INTERVENTION PROCESS

ITC focuses on helping families enhance their child's development in three areas:

- Developing positive social relationships
- Using appropriate behaviors to get his/her needs met
- Acquiring new skills and knowledge

1. INITIAL VISIT

- A **Service Coordinator** will meet with you and your child to explain the early intervention process/ITC program, Individualized Family Service Plan (IFSP), and Notice of Child and Family Safeguards (family rights).
- Review your child's daily activities/routines and your concerns at this time.
- Sign consent forms and financial forms.

2. ELIGIBILITY

- Your **Service Coordinator** will share information gathered with an Eligibility Committee.
- ITC eligibility criteria:
 - 25% delay in at least one area of development
 - Atypical development
 - A diagnosed physical or mental condition that has a high probability of resulting in a developmental delay



3. ASSESSMENT FOR SERVICE PLANNING (ASP) & IFSP DEVELOPMENT

2.5 HOURS

- Your **Service Coordinator** and two interventionists will meet with you and your child to determine your child's unique strengths and needs.
- An Individualized Family Service Plan (IFSP) will be developed and will include functional outcomes to support your child's growth within his/her natural environment.



4. PROVISION OF SERVICES & ONGOING ASSESSMENT

- A **Primary Provider** will work with you and your child on the IFSP outcomes using a **Coaching Interaction Style**.
- Your child's outcomes and progress will be reviewed periodically, at least every six months and annually.
- An annual assessment will take place to measure your child's progress in all areas of development.
- Your **Service Coordinator** will work with you to ensure a successful transition to other services or programs as necessary.

The Infant-Toddler Connection of Fairfax-Falls Church provides clinical training opportunities for undergraduate, graduate level, and post-graduate students and medical residents. This includes observations of and participation in early intervention services. All students and medical residents are directly supervised by a member of the IFSP team.

*** No parties involved, including ITC staff, will be videotaped without permission.***

Making the Most of Your Visit With the Early Intervention Team



Review joint plan from previous visit.

- Share information about how your child is responding to the strategies that you and the provider have developed.



Share your priority for today's visit.

- Develop new strategies with your provider and practice them together with your child.
- Ask for clarification if needed.

Create a new joint plan.

- Discuss ideas and activities for carry-over between visits.
- Consider routines that occur naturally during your child's day.

Try out strategies.

- Think about which strategies work or do not work.
- Remember to take mental notes or keep a notebook with a list of questions or observations.
- Celebrate your child!



Service Coordinator

Monitors the provision of ITC services, identifies community resources based on your family's needs, and assists in planning for changes to services and transition.

Primary Provider

Interventionist/therapist will provide parents and caregivers with strategies, techniques and tips to help your child make progress towards achieving his/her outcomes.

Coaching

An evidence-based adult learning strategy used during natural family routines to incorporate interests, identify and practice strategies, reflect on interaction styles, promote problem solving, and receive supportive feedback.

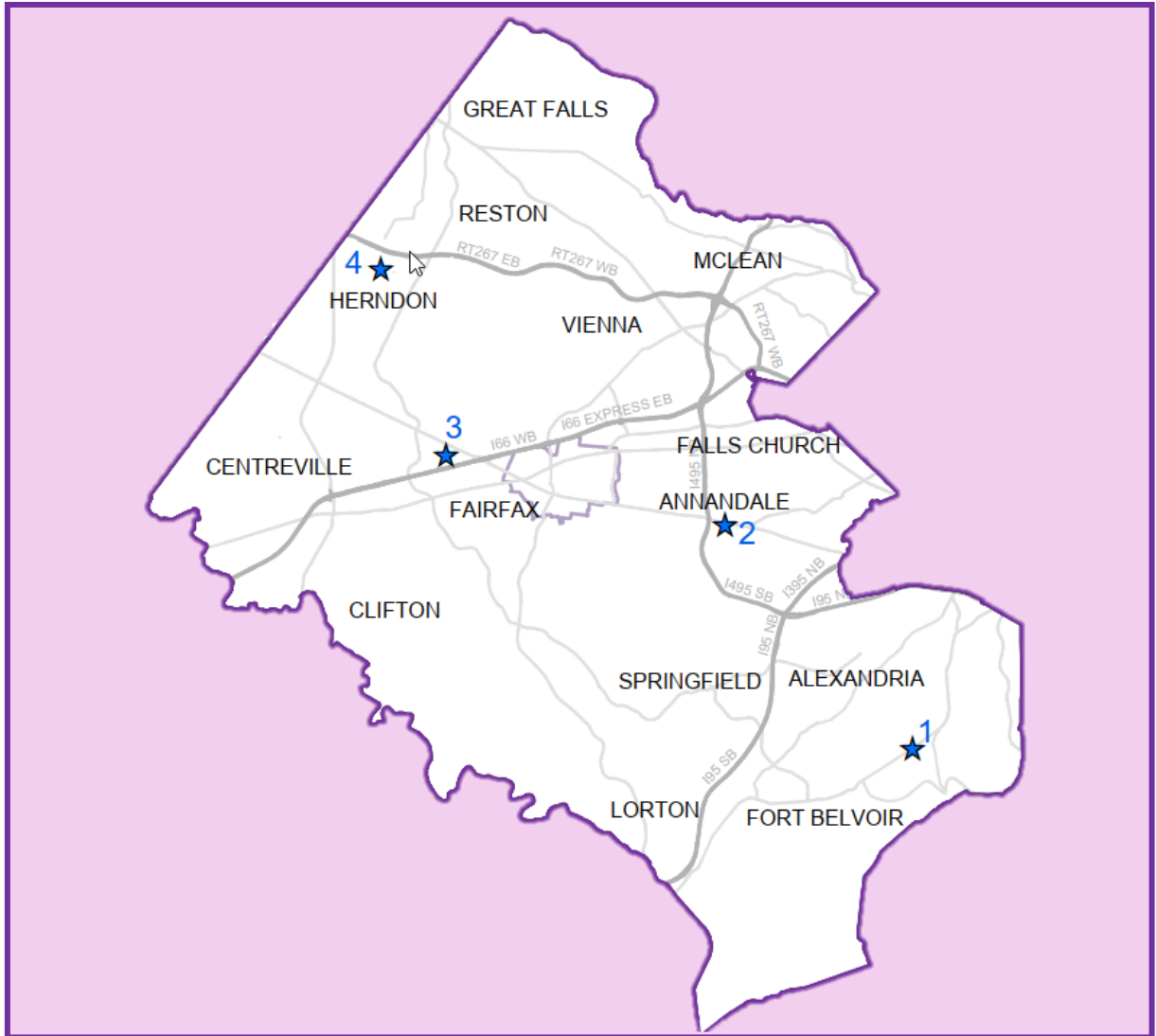
Assessment for Service Planning Reminder & Office Locations

Service Coordinator's Name: _____

Phone Number: _____

ASP Location: _____

ASP Date & Time: _____



1. **Gerry Hyland Government Center** • 8350 Richmond Highway • Suite 515 • Alexandria, VA 22309
2. **Heritage Center, East Building** • 7611 Little River Turnpike • Suite 243 • Annandale, VA 22003
3. **Greenwood Plaza** • 12015 Route 50 • Suite 200 • Fairfax, VA 22033
4. **McNair Upper Elementary School** • 2410 Fox Mill Road • Door 10 • Herndon, VA 20171

PLEASE CANCEL MY VISIT

Health Screening Questionnaire before a visit

A “YES” response to any of the questions below indicates a need to cancel/reschedule the visit or change to telepractice. The session may also be rescheduled if child is visibly sick upon provider’s arrival.

Has anyone in your home experienced any of the following symptoms within the last 72 hours that are not attributable to a known health condition confirmed by a physician, for example ear infection, asthma or allergies?

- Fever of 100.4 / 38°C or higher
- Need for medication to control a fever
- Excessive coughing
- Shortness of breath or difficulty breathing
- New loss of taste or smell
- Sore Throat
- Nasal congestion (different from usual in someone with allergies or a chronic health condition)
- Muscle aches, body aches, or headache
- Nausea, vomiting, or diarrhea
- Atypical fussiness (children under 3)
- New onset of poor appetite or feeding (children under 3)
- Has anyone in your home awaiting test results for a communicable disease (e.g. COVID-19, Flu, Strep, etc.)?

COMMONWEALTH OF VIRGINIA



**Notice of Child and Family
Rights and Safeguards
Including
Facts About Family Cost Share**



**Infant & Toddler
Connection of Virginia**

Virginia's Part C Early Intervention System

January 2024

NOTICE OF CHILD AND FAMILY RIGHTS AND SAFEGUARDS

Introduction

The Individuals with Disabilities Education Act (IDEA) is a federal law which includes provisions for early intervention services for eligible infants and toddlers (ages 0-36 months) with disabilities and their families. These provisions form Part C of IDEA and are articulated in federal regulations (34 CFR Part 303) and in State law (Virginia Code § 2.2-5300 et seq.).

In Virginia, the Part C system is called the Infant & Toddler Connection of Virginia. The system is designed to maximize family involvement and ensure parental consent in each step of the early intervention process, beginning with determination of eligibility and continuing through service delivery and transition.

The Infant & Toddler Connection of Virginia includes rights and safeguards to protect parents and children. Parents must be informed about these rights and safeguards in the Infant & Toddler Connection of Virginia so that they can have a leadership role in the services provided to their family. Notice of Child and Family Rights and Safeguards is an official notice of the rights and safeguards of children and families as defined under federal Part C regulations.

Information about child and family rights and safeguards are provided to families through local lead agencies, which are responsible for Part C early intervention services at the community level. Specifically, this information

is provided by local agencies and providers that participate in Infant & Toddler Connection of Virginia, (referenced herein as "local participating agencies/providers").

☞ Service coordinators working with families can suggest additional materials to help families understand their rights and safeguards under Part C. They can also suggest ways that you and other family members can be partners with professionals to help meet the developmental needs of your child.

Within the Infant & Toddler Connection of Virginia Part C Early Intervention System, you, as a parent, have the following rights and safeguards:

- The opportunity for a multidisciplinary evaluation for eligibility determination and, if eligible, assessment and the development of an Individualized Family Service Plan (IFSP) within forty-five (45) calendar days from referral;
- If eligible under Part C, the opportunity to receive appropriate early intervention services¹ for your child and family as addressed in an IFSP;
- The opportunity to receive evaluation for eligibility determination, assessment, IFSP development, service coordination, and procedural safeguards at no cost. You may, however, be charged for other early intervention services based on your ability to pay as determined using ability to pay mechanisms outlined in the Facts About Family Cost Share section of this document. Inability to pay will not prevent your child or your family from receiving early intervention services;

¹ In Virginia, "appropriate early intervention services" are determined through the IFSP process. The IFSP must include 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 an infant or toddler eligible under Part C and the needs of the family to assist appropriately in the infant's or toddler's development."

- The right to accept or refuse evaluations for eligibility determination, assessments, and services;
- The right to be invited to and participate in all meetings in which a decision is expected to be made regarding a proposal to change the identification, evaluation, or placement of your child, or the provision of services to your child or family;
- The right to receive written timely notice 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 opportunity to receive each early intervention service in natural environments to the extent appropriate to meet your child’s developmental needs;
- The right to maintenance of the confidentiality of personally-identifiable information;
- The right to obtain an initial copy of your child’s early intervention record at no cost;
- The right to receive a copy of each evaluation for eligibility determination, assessment, and IFSP as soon as possible after each IFSP meeting and at no cost;
- The right to review and, if appropriate, correct records;
- The right to request mediation and/or impartial due process procedures to resolve parent/provider disagreements; and
- The opportunity to file an administrative complaint.

In addition to the rights and safeguards noted above, you are entitled to be notified of specific procedural safeguards under Part C. These rights are described below.

A. Written Prior Notice

Written prior notice must be given to you within a reasonable time (five [5] calendar days) before a local participating agency/provider 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 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 Part C; and
4. The state’s mediation, complaint and due process hearing procedures, including a description of how to file a complaint and the timelines for those procedures.

The notice must be:

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

B. Parental Consent

Consent means that:

1. You are fully informed of all information about the activity(s) for which consent is sought. This information is provided in your native language or other appropriate mode of communication, unless clearly not feasible to do so;

☞ 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 the child. When conducting evaluations and assessments, native language means the language normally used by your child if that is developmentally appropriate for your child.

2. You understand and agree in writing to the carrying out of the activity(s) for which your consent is sought, and the consent describes the activity(s) and lists the early intervention 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. If you revoke consent, that revocation does not apply to an action that took place before consent was revoked.

Your written consent must be obtained before the all evaluations to determine eligibility and assessments of your child and family are conducted and before early intervention services are provided. If you do not give consent, no action will be taken to coerce (force) you. The local participating agency/provider will make reasonable efforts to ensure you:

1. Are fully aware of the nature of the evaluation to determine eligibility and assessments, or early intervention services that would be available; and
2. Understand that your child will not be able to receive the evaluation to determine

eligibility, assessment, or early intervention service unless consent is given.

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

Your written consent is required before your private insurance, if you have that, can be used to pay for services. More specific information about your rights and responsibilities regarding payment for early intervention services are provided in the Facts About Family Cost Share section of this document.

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 Part C, consistent with Federal and State law.

C. Records

☞ The following definitions are used in this section: (1) "Destruction/destroy" means physical destruction or removal of personal identifiers from information so the record is no longer personally identifiable; (2) "Early intervention record(s)" or "record(s)" means all records that are required to be collected, maintained or used under Part C; and (3) "Participating agency" means any individual, agency, entity or institution that collects, maintains, or uses personally-identifiable information to implement the requirements in Part C.

1. Examination of Records

In accordance with the Confidentiality of Information procedures outlined in the next section of this pamphlet, you must be given the opportunity to inspect and review records relating to evaluations for eligibility

determination, assessments, development and implementation of IFSPs, provision of early intervention services, individual complaints concerning your child, and any other portion of the Part C program involving records about your child and your family.

Each local participating agency/provider must give you the opportunity to inspect and review any records relating to your child, which are collected, maintained or used by the agency or provider under Part C from the point in time when your child is referred for early intervention services until the later of when the participating agency is no longer required to maintain or no longer maintains the information under applicable Federal and State laws. The local participating agency/provider must comply with a request without unnecessary delay and before any meeting regarding an IFSP or hearing relating to identification, evaluation, placement, or provision of services for your child and family and, in no case, more than ten (10) calendar days after the request has been made.

The opportunity to inspect and review records includes:

- a. A response from the local participating agency/provider to reasonable requests for explanations and interpretations of the record;
- b. The right to request that the local participating agency/ provider provide copies of the records containing the information if failure to provide those copies would effectively prevent you from exercising the right to inspect and review the records; and
- c. Having someone who is representing you inspect and review the record.

A local participating agency/provider may presume that you have the authority to inspect and review records relating to your child unless the agency or provider has been provided documentation that you do not have the authority under applicable Virginia law.

Each local participating agency/provider shall keep a written record of parties obtaining access to records collected, obtained, or used under Part C (except access by parents and authorized representatives and employees of such agency or provider), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the child's record.

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

Each local participating agency/provider shall provide you, upon request, a list of the types and locations of records collected, maintained, or used by the agency or provider. A local participating agency/ provider may charge a fee for copies of records which are made for parents under Part C if the fee does not effectively prevent you from exercising your right to inspect and review those records. However, an initial copy of the record must be made available at no cost to you and the local participating agency/provider may not charge a fee to search for or to retrieve information under Part C. You also must be provided, at no cost to you, a copy of each evaluation, assessment of your child, family assessment and IFSP as soon as possible after each IFSP meeting.

If you believe that information in records collected, maintained, or used under Part C is inaccurate or misleading, or violates the privacy or other rights of your child or family, you may request the local participating agency/provider that maintains the information to amend the information.

- a. Such agency or provider must decide whether to amend the information in accordance with the request within a reasonable period of time after it receives the request.
- b. If such agency or provider refuses to amend the information as you request, you

must be informed of the refusal and be advised of the right to a hearing.

The local participating agency/provider, on request, must provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child or family. You may request a due process hearing under Part C procedures or hearing procedures that are consistent with the Family Educational Rights and Privacy Act (FERPA) regulations at 34 CFR 99.22.

- a. If, as a result of the hearing, such agency or provider decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must amend the information accordingly and must inform you in writing.
- b. If, as a result of the hearing, such agency or provider decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, you must be informed of your right to place in the records of your child, a statement commenting on the information, and setting forth any reasons for disagreeing with the decision of the agency or provider.

Any explanation placed in the records of your child under this section must:

- a. Be maintained by the local participating agency/provider as part of the records of your child as long as the record or contested portion (that part of the record with which you disagree) is maintained by such agency or provider; and
- b. If the records of your child or the contested portion are disclosed by such agency or provider to any party, the explanation must also be disclosed to the party.

2. Confidentiality of Information

Parental consent must be obtained before personally-identifiable information is:

- a. Disclosed to anyone other than officials of the agency/provider collecting, maintaining or using information under Part C, unless authorized to do so under Part C (34 CFR 303.414) and FERPA (34 CFR 99.30); or
- b. Used for any purpose other than meeting a requirement under Part C.

Information from your child's early intervention record cannot be released to any party except local participating agencies/providers* without your consent unless the agency or provider is authorized to do so under FERPA. If you refuse to provide consent, the local participating agency/provider may implement procedures, like explaining to you how your failure to consent affects the ability of your child to receive services under Part C, as long as those procedures do not override your right to refuse to consent.

*Participating agencies/providers that may access your child's early intervention record include the Department of Behavioral Health and Developmental Services, the State Lead Agency for early intervention in Virginia; local lead agencies; and service providers involved in early intervention services for your child and family.

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

- Each local participating agency/provider must protect the confidentiality of personally-identifiable information at collection, maintenance, storage, disclosure, and destruction stages;
- One official of each local participating agency/provider is responsible for ensuring the confidentiality of any personally-identifiable information;
- All persons collecting or using personally-identifiable information must receive training or instruction regarding Virginia's

Part C policies, procedures and practices which comply with IDEA and FERPA;

- Each local participating agency/provider must maintain, 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 participating agency/provider must inform parents when personally-identifiable information collected, maintained, or used under Part C is no longer needed to provide services to the child; and the information must be destroyed, at the request of the parents. (Permanent records of your child's name, date of birth, your address and phone number, names of service coordinator(s) and other early intervention service providers, the year and age of your child's exit from the program, and any programs your child entered upon exit from the early intervention program may be maintained.)

D. Resolving Disputes

If you disagree with a local participating agency/provider on the identification, evaluation, placement of your child, or provision of appropriate early intervention services to your child or family, you may request a timely administrative resolution of your concerns.

Virginia offers three (3) methods for resolving disputes, all of which are available at no cost to families: mediation, impartial due process hearings, and administrative complaints. The following is an overview of these three options. For information on how to file a request for mediation and/or an impartial due process hearing or to file an administrative complaint, see Contact Information on page 10.

1. Mediation

Mediation is voluntary and must be freely agreed to by both parties. Any party may request mediation although neither parents nor

providers are required to use it. Mediation provides an opportunity for parents and providers to resolve their disagreements (e.g., individual child complaints) in a non-adversarial, informal manner. Mediation must be completed in fifteen (15) calendar days following receipt by the State Lead Agency of a request for mediation and may not be used to deny or delay your rights to an impartial due process hearing or to deny any of your other rights under Part C.

About Mediators and Hearing Officers...

Mediators used in mediation (and hearing officers used in due process hearings, as described in the next section), must be "impartial." Impartial means that the person appointed to serve as a mediator (or hearing officer of the due process proceeding)—

(1) Is not an employee of any agency or program involved in providing early intervention services, other services, or care of the child; and

(2) 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 under this section is not an employee of an agency or program solely because the person is paid by the agency or program to implement the disagreement resolution process.

The State Lead Agency will contact both parties (i.e., you and the provider) 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. The State Lead Agency maintains a list of qualified mediators who are

knowledgeable of the laws and regulations relating to the provision of early intervention services for infants and toddlers with disabilities and their families.

If the disagreement is resolved through mediation, the parties must complete a legally binding agreement that describes the resolution and that states that all discussions that occurred during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings. The agreement must be signed by you and a representative of the state lead agency who has the authority to bind the agency. Mediation does not preclude you from requesting an impartial due process hearing at any time. If mediation is unsuccessful, you may want to request a due process hearing.

2. Impartial Due Process Hearings

An impartial due process hearing is a formal procedure conducted by an impartial hearing officer and is the second alternative for families seeking to resolve a dispute. Parents seeking an impartial due process hearing must submit their request in writing directly to the State Lead Agency. The impartial due process hearing must be completed, and a written decision made, within thirty (30) calendar days of the receipt of the request. (Mediation, if attempted, must occur within the same 30 days.)

Hearing officers are appointed to conduct due process hearings. Hearing officers must:

- a. Have knowledge about the provisions of Part C and the needs of, and services available for, eligible children and their families; and
- b. Perform the following duties:
 - Listen to the presentation of relevant views about the complaint/ disagreement, examine all information relevant to the issues, and seek to reach a timely resolution of the disagreement;

- Provide a record of the proceedings at the cost of the state, including a written decision (hearing only).

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

- a. To be accompanied and advised by a lawyer (at your expense) and by individuals with special knowledge or training about early intervention services for children eligible under Part C (at your expense);
- b. To present evidence and confront, cross examine, and to compel the attendance of witnesses;
- c. To prohibit the introduction of any evidence at the hearing that has not been disclosed to you at least five calendar days before the proceeding;
- d. To obtain a written or electronic verbatim (word by word) transcription of the hearing at no cost to you; and
- e. To obtain written findings of fact and decisions at no cost to you.

The impartial due process hearing described in this section must be carried out at a time and place that is reasonably convenient to you.

No later than thirty (30) calendar days after the State Lead Agency receives 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. The hearing officer may grant specific extensions of time beyond the 30 days at the request of either party. 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 due process complaint, unless the local participating agency/provider and you otherwise agree, your child and family will continue to receive the appropriate early intervention services in the setting identified in the IFSP for which you provided consent.

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

3. Administrative Complaints

An individual or organization including those from another state may file a written signed complaint that any local participating agency/provider is violating a requirement of the Part C program. Infant & Toddler Connection of Virginia widely disseminates the State's complaint procedures to parents and other interested individuals, including parent training centers, protection and advocacy agencies, and other appropriate entities. The complaint must include:

- a. A statement that a requirement of Part C has been violated;
- b. A statement of the facts on which the complaint is based;
- c. The signature and contact information of the person filing the complaint; and
- d. If the complaint alleges violations with respect to a specific child, then the name and address of the residence of the child; the name of the provider serving the child; a description of the nature of the problem, including facts related to the problem; and a proposed resolution of the problem to the extent known and available at the time the complaint is filed.

Administrative complaints must be filed and received by the State Lead Agency within one (1) year of the alleged violation. The individual or organization filing an administrative complaint must forward a copy of the complaint to the local participating agency/provider serving the child at the same time the complaint is filed with the State Lead Agency.

Once the State Lead Agency has received the complaint, it has sixty (60) calendar days (unless exceptional circumstances exist) to:

- a. Investigate the complaint, including conducting an independent, on-site investigation, if necessary;
- b. Provide the individual or organization filing the complaint the opportunity to submit additional information, either orally or in writing, about the complaint;
- c. Provide the local participating agency/provider an opportunity to respond to the complaint, including the opportunity to propose a resolution to the complaint and the opportunity to engage in mediation;
- d. Make an independent determination as to whether or not a violation has occurred after reviewing all relevant information; and
- e. Issue a written decision to the complainant that addresses each allegation in the complaint and that contains the facts and conclusions as well as the reasons for the final decision.

If the final decision indicates that appropriate services were/are not being provided, the State Lead Agency must address:

- a. The failure to provide appropriate services, including corrective actions appropriate to address the needs of your child who is the subject of the complaint and your family (such as compensatory services or monetary reimbursement); and
- b. Appropriate future provision of services for all infants and toddlers with disabilities and their families.

The State Lead Agency must include procedures for effective implementation of the decision, if needed, including technical assistance activities, negotiations, and corrective actions to achieve compliance.

No part of any complaint that is also currently being addressed in an impartial due process hearing can be dealt with as an administrative complaint within this process until the conclusion of the hearing. Complaints that

have already been decided in an impartial due process hearing involving the same parties cannot be considered under this procedure. The State must notify the complainant that the hearing decision is binding. However, the State Lead Agency must address complaints that are filed related to implementation of an impartial due process hearing decision.

Individual Right to Appeal (For Medicaid Recipients Only)

State and Federal laws require that written notification be provided to individuals when the Department of Medical Assistance or any of its contractors takes an action that affects the individual's receipt of services. Appeals must be requested in writing and postmarked within 30 days of receipt of the notice of the adverse action. Please see section G of this document for detailed information about the Individual Right to Appeal.

Medicaid appeals do not affect a parent's right to request any of the Part C dispute resolution options. A Medicaid appeal is separate from the Part C dispute resolution process.

E. Surrogate Parents

The rights of children eligible under Part C are protected even if:

1. No parent can be identified;
2. The local participating agency/provider, after reasonable efforts, cannot locate a parent; or
3. The child is a ward of Virginia under the laws of the Commonwealth. Legal custody of the child and all parental rights and responsibilities for the care and custody of the child have been terminated by Court order or permanent entrustment agreement pursuant to applicable law.

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 making a

reasonable effort to assign a surrogate to the child within 30 calendar days after determining that the child needs a surrogate parent. The following criteria are employed when selecting surrogates:

1. Surrogate parents are selected at the local level in the manner allowable under Virginia law; and
2. A person selected as a surrogate parent:
 - 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; and
 - Is not an employee of any state agency or a person or an employee of any other public agency or provider that provides early intervention services, education, care or other services to the child or to any family member of the child. A person who otherwise qualifies to be a surrogate parent under this section is not an employee solely because he or she is paid by a local participating agency/ provider to serve as a surrogate parent.

The public agency that has been assigned care of the child must be consulted when determining the need for and, if needed, selecting a surrogate parent for a child who is a ward of Virginia or in foster care. In the case of a child who is a ward of Virginia, the judge overseeing the child's case may appoint a surrogate parent who meets requirements listed above.

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

1. The evaluation for eligibility determination and assessment of the child;
2. Development and implementation of the child's IFSP, including annual evaluations and periodic reviews;

3. The ongoing provision of early intervention services to the child; and
4. Any other rights established under Part C.

F. Contact Information

The State Lead Agency for the Infant & Toddler Connection of Virginia Part C Early Intervention System is the Department of Behavioral Health and Developmental Services (DBHDS). To file an individual child complaint, or to file an administrative complaint, or to find out more about complaint procedures in Virginia, including resolution of disputes through mediation and/or impartial due process hearings contact the State Lead Agency at:

DBHDS
 Infant & Toddler Connection of Virginia
 1220 Bank Street, 9th Floor
 P.O. Box 1797
 Richmond, VA 23218-1797

Direct phone # - (804) 786-3710
 Fax - (804) 371-7959 or
 (804) 771-5877 (TDD/TTY)
 or

If you prefer to make a toll free call, you may call 1-800-234-1448 to reach the Central Directory. Your name and contact information will be shared with the Infant & Toddler Connection of Virginia Office and a staff member will contact you.

G. Individual Right to Appeal (For Medicaid Recipients Only)

The Code of Federal Regulations at 42 CFR §431 *et seq.*, and the Virginia Administrative Code at 12VAC30-110-10 through 370, require that written notification be provided to individuals when DMAS or any of its contractors takes an action that adversely affects the individual's receipt of services. Most adverse actions may be appealed by the Medicaid client or by an authorized

representative on behalf of the client. Adverse actions include partial approvals, denials, reductions in service, suspensions, and terminations. Also, failure to act on a request for services within required timeframes may be appealed.

Appealable actions include disagreement about:

- your child's eligibility for Part C services;
- the development of an Individualized Family Service Plan within 45-calendar days from the date of referral to the Part C early intervention system,
- the provision of early intervention services including the services listed on an Individualized Family Service Plan (IFSP); and
- the frequency and length of these services.

For individuals who do not understand English, a translation of appeal rights that can be understood by the individual will be provided upon request.

If an appeal is filed before the effective date of a suspension, reduction, or termination, the level and scope of services previously received may continue during the appeal process. However, if the agency's action is upheld by the hearing officer, the client will be expected to repay DMAS for all services received during the appeal period. For this reason, the client may choose not to receive continued services. The provider will be notified by DMAS to reinstate services if continuation of services is applicable. If coverage is continued or reinstated due to an appeal, the provider may not suspend, reduce or terminate services until a decision is rendered by the hearing officer.

Appeals must be requested in writing and postmarked within 30 days of receipt of the notice of adverse action. The client or his authorized representative may write a letter or complete an Appeal Request Form. Forms are available from your Service Coordinator, on the internet at www.dmas.virginia.gov, at the Infant & Toddler Connection of Virginia's website at www.infantva.org, from the Part C Procedural Safeguard Specialist at (804)786-3710, or by calling (804) 371-8488.

When completing the request for an appeal, be specific about what you want reviewed, and include a copy of the notice about the action that you disagree with.

Medicaid appeals do not affect a parent's right to request any of the Part C dispute resolution options. A Medicaid appeal is separate from the Part C dispute resolution process.

The appeal request must be signed and mailed or faxed to the:

Appeals Division
Department of Medical Assistance
Services
600 E. Broad Street, 11th floor
Richmond, Virginia 23219
FAX: (804) 371-8491

More information about the appeals process is available on the internet at www.dmas.virginia.gov, at www.infantva.org, or from your Part C Procedural Safeguard Specialist at (804)786-3710.

H. Glossary

Assessment – The ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility under Part C to identify—

- (1) The child's unique strengths and needs and the services appropriate to meet those needs; and
- (2) 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.

Disclosure – To permit access to or the release, transfer, or other communication of personally-identifiable information contained in education 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.

Evaluation – The procedures used by appropriate qualified personnel to determine a child's initial and continuing eligibility under Part C, consistent with the definition of "infants

and toddlers with disabilities" in 34 CFR 303.21.

Family – Defined according to each family's definition of itself.

Family Assessment – Family assessments must be family-directed and designed to determine the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the child.

IFSP – Individualized Family Service Plan (IFSP), a written plan for providing early intervention services to eligible children/families that:

- (1) Is developed jointly by the family and appropriate, qualified personnel providing early intervention services;
- (2) Is based on the multidisciplinary evaluation for eligibility determination 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 303.321; and
- (3) Includes services necessary to meet the unique needs of the child and family, and the other components listed under 34 CFR 303.344.

Mediation – A voluntary process freely agreed to by parents and providers to attempt to resolve Part C disagreements. Neither party is required to participate in the mediation process, and both parties must approve any agreement reached. Mediation may not be used to deny or delay your right to an impartial hearing or any of your other rights under Part C.

Multidisciplinary – The involvement of two or more disciplines or professions. With respect to evaluation for eligibility determination and assessment activities in 34 CFR 303.321, the term "multidisciplinary" may include one individual who is qualified in more than one discipline or profession. With respect to the IFSP Team in 34 CFR 303.340, the multidisciplinary team must include the parent, the service coordinator and at least one other individual from a discipline or profession other than service coordinator.

Natural Environment – Settings that are natural or typical for your child's same-aged peers who do not have a disability.

Parent – Includes:

- (1) a biological, adoptive or foster parent of a child;
- (2) a guardian (but not the State if the child is a ward of the State);

- (3) a person acting in the place of a biological or adoptive parent (such as a grandparent or stepparent) with whom the child lives, or a person who is legally responsible for the child's welfare;
- (4) a surrogate parent who has been assigned in accordance with Part C regulations 34 CFR 303.422

FACTS ABOUT FAMILY COST SHARE

This document outlines family and provider responsibilities regarding payment for early intervention services through the Infant & Toddler Connection of Virginia.

The cost of early intervention services:

- **Services at no cost:** Some early intervention services are at no cost to the family. These services include:
 - Activities to identify children who may be eligible for Part C services (Child Find);
 - Eligibility determination and assessment to determine if a child is eligible for services and to identify strengths and needs in order to plan appropriate supports and services;
 - Activities and communication by the service coordinator assigned to the child/family (service coordination);
 - Development, review and evaluation of the Individualized Family Service Plan; and
 - All activities related to child/family rights including the administrative complaint process and mediation (e.g., implementation of procedural safeguards).
 All other early intervention services are subject to family fees.
- **Charges for services:** Charges are assessed to families whose children receive early intervention services in Virginia. Charges are generally established as the unit cost of providing the service and are made in accordance with federal Part C regulations and the Virginia Code.
- **Early Intervention rate:** The amount paid for services depends on the type of service provider. The following rates reflect the maximum amount of the charge that will be covered by Medicaid, other public funding, and/or family fees.

	Category 1: Physical therapist or assistant, Occupational therapist or assistant, Speech-language pathologist, Nurse	Category 2: Educators, Counselors, EI Assistants, Social workers, Psychologists, Music therapists, etc.*
Individual, natural environment	\$42.19 per 15 minutes	\$30.94 per 15 minutes
Group, natural environment	\$28.27 per 15 minutes	\$20.73 per 15 minutes

* Category 2 also includes Orientation and Mobility Specialists, Certified Therapeutic Recreation Specialists, Family and Consumer Science Professionals, Family Therapists, Certified Nursing Aides, and Licensed Practical Nurses

Family Fees:

- **Ability to pay:** Amount the family is able to contribute toward the full cost of early intervention services, based on family size, income and expenses, and as documented on the Family Cost Share Agreement Form and/or the Fee Appeal Form.
- **Inability to Pay:** Family's inability to pay any dollar amount at all toward the cost of early intervention services. An inability to pay is determined and documented through the policies (including the fee appeal process) described in this booklet and results in the family receiving all early intervention services at no cost to the family.
- **Sliding Fee Scale:** A fee scale based upon taxable income and family size used to determine a maximum monthly cap that the family is responsible for paying. There is a copy of the sliding fee scale on the last page of this document.
 - A family may pay a fee that is less than or equal to the monthly cap, as determined by the sliding fee scale,

based upon accrued charges, co-pays, co-insurance and/or deductibles that result from services received.

- The maximum monthly payment established for the family will be the same regardless of
 - whether one or more children receive services;
 - the number of services received; and
 - the number of agencies from which services are received.
- **Appeal Procedures:** A fee appeal procedure is available if the amount of the maximum monthly cap determined by the sliding fee scale creates a financial hardship for families. In addition, families may file an administrative complaint, request mediation and/or initiate an impartial hearing if they are unable to resolve their differences regarding family fees locally.
- **Not Disclosing Financial Information:** Families may choose not to provide financial information and pay the full charge for services.

Assurances:

- Families will not be charged fees for services that their child is otherwise entitled to receive at no cost.
- Services will not be delayed or denied because of an inability to pay for the services. If the family meets the definition of inability to pay, their child must receive early intervention services at no cost.
- Families will not be charged any more than the actual cost of the service and amounts received from other payment sources, like insurance, will be factored in.
- Families with public or private insurance will not be charged more than families who do not have insurance.

Using Private Insurance or TRICARE to pay for early intervention services:

Many private insurance plans and TRICARE cover some early intervention services for

which fees are charged. Such services include Physical therapy, Occupational therapy, Speech - language pathology, and Assistive technology services and devices.

- Families may choose to use their insurance to cover early intervention services or they may choose not to use their insurance.
- Possible costs associated with using private insurance to pay for services include co-payments, co-insurance, premiums, deductibles, or long-term costs such as loss of benefits because of annual or lifetime coverage caps.
- Virginia has built in several safeguards to reduce the financial loss for families using their private insurance to pay for early intervention services. The Virginia General Assembly mandated that private insurance companies (which are not self-funded) provide up to \$5,000 of coverage for early intervention services each year without affecting the lifetime insurance coverage or risking loss of coverage.
- Families may use the sliding fee scale to establish a monthly cap on the amount they must pay toward their co-pays, co-insurance and deductible (though the cap does not apply to co-pays, co-insurance and deductibles if the family has a flexible spending account that automatically pays).

For families with a health care flexible spending account:

- Families are responsible for the full amount of any insurance co-pays, co-insurance and deductibles for early intervention services if the family has a health care flexible spending account *that automatically pays the family or the provider for these costs.* This is necessary due to tax implications for families and potential insurance reimbursement rate reductions.
- When there is a flexible spending account that automatically pays the family or the provider for out-of-pocket expenses (e.g., co-payments, co-insurance, deductibles, etc.), then the monthly cap documented on the Family Cost Share Agreement Form will

apply only to those services not covered by the health insurance plan, until all of the money in the flexible spending account has been used. Once all of the money in the flexible spending account has been used, the monthly cap will cover all services listed on the child's IFSP.

- The above policies do not apply if the flexible spending account works on a reimbursement basis (for example, the family has to submit paperwork to get money from their flexible spending account) or if the family has a flexible spending account debit card to pay for expenses like co-pays, co-insurance and deductibles.
- Families may want to see if they have a choice in how they set up their flexible spending account. Some flexible spending accounts give the option to automatically pay certain expenses but not others or the option to seek reimbursement for medical expenses or use a debit card to pay providers from the account rather than having the payment made automatically to the family or the provider.

Using Medicaid/FAMIS to pay for early intervention services:

- Families cannot be required to apply for or enroll in Medicaid/FAMIS in order to access early intervention services through the Infant & Toddler Connection of Virginia.
- Parent consent is required in order to bill Medicaid/FAMIS if the child is not already enrolled in Medicaid/FAMIS. If the parent does not provide consent for use of Medicaid in this situation, then all IFSP services must still be made available to the child and family.
- Parent consent is required in order for the local system to release a child's personally identifiable information to the Department of Medical Assistance Services for billing purposes. Parents may withdraw this consent at any time.
- In Virginia, using Medicaid/FAMIS to pay for early intervention services will not:

- Decrease available lifetime coverage or other insured benefit for the child or parent under the Medicaid/FAMIS program;
- Result in parents paying for services that would otherwise be paid for by Medicaid/FAMIS;
- Result in any increase in premiums or cancellation of public benefits or insurance for the child or parents; or
- Risk the loss of eligibility for the child or the child's parents for home and community-based waivers based on total health-related costs.
- The only potential cost to parents from using their Medicaid/FAMIS for early intervention services would be the required use of their private insurance, if they have that and if they have consented to use of that private insurance, prior to billing Medicaid for services other than those that must be provided at no cost.

Provider Responsibilities:

Providers have responsibilities concerning payment for early intervention services in Virginia. Providers shall:

- Inform families about their responsibility for payments for early intervention services;
- Inform families about the payment policies and procedures of the agency that is providing services for which they are financially responsible;
- Not deny families Early Intervention Services due to an inability to pay;
- Inform families what services must be provided at no cost to them;
- Inform families of the charges for each service their child receives;
- Inform families that a family may choose to pay full charges if they do not wish to provide financial information;
- Inform families that they may choose whether or not to use their private insurance or TRICARE to pay for early intervention services;

- Inform families that choose to use their insurance to cover early intervention services about the family's responsibilities related to co-pay, co-insurance and/or deductible amounts (including the availability of a sliding fee scale to determine a monthly cap for these costs as discussed below);
- Inform families that they may access Virginia's Sliding Fee Scale regardless of whether or not they use their insurance to pay for services to determine a monthly cap, which is the maximum amount they will be required to pay each month (otherwise referred to as their ability to pay). The monthly cap does not apply to co-pays, co-insurance or deductibles if the family has a flexible spending account that automatically pays the family or provider for these costs;
- Notify families prior to any change in fees they will be charged;
- Inform families that a family may appeal if the amount of their financial responsibility based on the sliding fee scale creates a financial hardship for them; and
- Inform families that they may file an administrative complaint, request mediation and/or initiate an impartial hearing at any time.

- Their co-pays, co-insurance and deductibles if they use insurance to help pay for services. If the co-pays, co-insurance and deductibles create a financial hardship, the family can provide financial information to determine a monthly cap (though the cap does not apply to co-pays, co-insurance and deductibles if the family has a flexible spending account that automatically pays for these costs);
- Providing financial information in order for a monthly cap to be determined by the sliding fee scale;
- Initiating the fee appeal process if the sliding fee scale creates a financial hardship for them;
- Informing their service coordinator when there are changes in their financial situation; and
- Participating in an annual financial agreement re-evaluation to determine family fee responsibility.

If you have questions about your fees and services, please contact:

Family Responsibilities:

Families have responsibilities concerning payment for early intervention services in Virginia. Families are responsible for:

- Requesting assistance from their service coordinator in answering questions or providing explanations of any information they do not understand regarding charges and fees;
- Paying full charges if they choose not to provide financial information in order to access the sliding fee scale;

If you have questions about fees and would like to contact the state office, please call:
 1-(804) 786-3710
 If you would like to speak with the state family representative, please call:
 1-(888) 604-2677 ext 3



Infant & Toddler Connection of Virginia

Family Cost Share Fee Scale

Taxable Income		Monthly Family Cost Participation by Family Size			
		3 or fewer	4	5	6 or more
\$0	\$45,000	\$0	\$0	\$0	\$0
\$45,001	\$55,000	\$0	\$0	\$0	\$0
\$55,001	\$65,000	\$66	\$50	\$40	\$26
\$65,001	\$75,000	\$90	\$68	\$54	\$36
\$75,001	\$85,000	\$120	\$90	\$72	\$48
\$85,001	\$95,000	\$152	\$114	\$91	\$61
\$95,001	\$105,000	\$190	\$143	\$114	\$76
\$105,001	\$125,000	\$276	\$207	\$166	\$110
\$125,001	\$145,000	\$378	\$284	\$227	\$151
\$145,001	\$165,000	\$496	\$372	\$298	\$198
\$165,001	\$185,000	\$630	\$473	\$378	\$252
\$185,001	\$215,000	\$818	\$614	\$491	\$327
\$215,001	\$245,000	\$1,030	\$773	\$618	\$412
\$245,001	\$285,000	\$1,312	\$984	\$787	\$525
\$285,001	\$325,000	\$1,756	\$1,317	\$1,054	\$702
\$325,001	\$365,000	\$2,118	\$1,589	\$1,271	\$847
\$365,001	or more	\$2,430	\$1,823	\$1,458	\$972

Note: The family cost share fee scale establishes a monthly cap, which is the maximum amount that a family will be required to pay per month for early intervention services regardless of charge(s), number of different types of services, or frequency or length of services. If accrued charges, co-pays, co-insurance or deductibles are less than the monthly cap, the family would be required to pay the lesser amount for that month.



Infant & Toddler Connection of Fairfax-Falls Church

Department of Neighborhood and Community Services
Providing IDEA Part C Early Intervention Services

Billing Procedures

The Infant & Toddler Connection of Fairfax-Falls Church (ITC) is a participating provider for all the major health insurance companies in our area. Your family will be billed the amount your insurance company says you owe, but **only up to your monthly cost share cap**. The monthly cost share cap sets the maximum amount that ITC could bill your family for services. The cap is determined using a sliding scale based on the size of your family and your taxable income.

Some families have a monthly cap of zero, based on their income. If this is your family's situation, ITC will bill your insurance company (with your permission), but you will not receive a bill for ITC services.

Other families have a monthly cap higher than zero, based on their income. If this is your situation, your service coordinator will ensure that you know what your monthly cap is before services begin. With your permission, your insurance company will be billed for most services. If the ITC services your child receives are covered by your insurance, you will be responsible for any co-pays, co-insurance, or deductibles for that month, up to your monthly cap. If the ITC services your child receives are not covered by your insurance, you will be responsible for the cost of the services up to your monthly cap. In either case, you will receive a bill each month from Doctor's Choice, the billing company ITC works with. You will probably find it helpful to call your insurance company before completing the IFSP to ask how the insurance company will handle "early intervention services provided in the home".

Please note that ITC does not submit billing claims for developmental services since this service is traditionally not considered a medical service by commercial medical insurance. If you would like to seek reimbursement for this service from your insurance, you can ask the billing company for an invoice that you can submit directly to your insurance company.

Since these billing procedures were established, a significant number of ITC families have been surprised to discover that their ITC services are not covered by their insurance. Based on this experience, ITC strongly encourages every family to establish a monthly cost share cap before services begin. While it is possible to establish a cap at any time, state regulations do not allow for retroactive reductions in the amounts families owe.

These procedures were established by the Infant & Toddler Connection of Virginia in the hope that all families would have access to ITC services regardless of the family's financial situation. Please consult your service coordinator if you have questions about the procedures or have any concerns related to your ability to pay for services.

Billing:

Doctors' Choice/Infant and Toddler Connection

9200 Corporate Blvd., Suite 120

Rockville, MD 20850

Contact Person: Ruth Goodling

P:(301)670-4250 Ext.220

rgoodling@doctorschoicemd.com

Infant & Toddler Connection of Fairfax - Falls Church

Many parents prefer to find this information out before the Assessment for Service Planning (ASP) meeting is held and the Individualized Family Service Plan (IFSP) is developed. If the insurance company requests diagnosis codes or Current Procedural Terminology (CPT) codes, this information is documented at the ASP and can be provided for you after the ASP.

***Please review your insurance coverage before you begin services with the information below to understand your coverage and rights.**

<p>1. Call your insurance company customer service department and ask if they cover Early Intervention Services which may also be called Physical, Occupational, Speech therapy or Developmental Services (habilitative services).</p>	
<p>2. If yes, then ask:</p>	
<ul style="list-style-type: none"> ◆ Is a referral or pre-authorization required? ◆ When do I need to get re-authorization and ongoing referrals? How often? ◆ Who must ask for this, ITC or the Parent? 	
<ul style="list-style-type: none"> ◆ How many visits are covered? Is this an annual limit or a lifetime limit? ◆ Does your insurance cover telepractice at the same rate as in person? 	
<ul style="list-style-type: none"> ◆ What is my co-pay, deductible or co-insurance amount? 	
<ul style="list-style-type: none"> ◆ CPT Codes: <ul style="list-style-type: none"> ◆ OT (97530) ◆ PT (97110) ◆ Speech (92507) ◆ Family Counseling and Support (96170, 96171) <p style="text-align: center;">Please note ITC does not bill for Dev. Services to commercial medical insurance.</p>	
<ul style="list-style-type: none"> ◆ Diagnosis Codes 	
<ul style="list-style-type: none"> ◆ Are there any exclusions in my policy? 	
<p>3. Determine if ITC is in-network/out of network:</p> <ul style="list-style-type: none"> ◆ ITC's Taxpayer ID – 540787833 ◆ NPI – 1952334450 	<p>Please provide the insurance company with the NPI number that is bolded to the left.</p>

Service Charges

Infant & Toddler Connection of Fairfax-Falls Church

Type of Service	Cost/Length of Service*
Occupational Therapy	\$168.76 per hour
Physical Therapy	\$168.76 per hour
Speech Language Pathology	\$168.76 per hour
Family Counseling and Support	\$123.76 per hour**
Nutrition	\$123.76 per hour**
Developmental Services	\$123.76 per hour**
Assistive Technology Devices	At cost
Service Coordination	No charge to families
Assessment for Service Planning	No charge to families
Screening, Evaluations, IFSP Development & Reviews	No charge to families

*No family will pay more than the monthly cap on their Family Cost Share Agreement.

**Services not usually covered by insurance companies
Rates effective January 1, 2024



Early Intervention Participation Commitment

By signing the Individualized Family Service Plan (IFSP), I am showing I understand the following:

Early Intervention is a parent/caregiver-participation based program. It is important for me or my child's caregiver to be present and participate during visits to help with my child's progress. If my child is being seen for visits with a caregiver other than myself, it is important to ensure frequent communication with my direct service provider.

Children learn best through everyday routines and repeated interactions with the people who are a part of their lives. For my child to make progress it is important for me to implement strategies in his/her daily routines.

Early intervention services are in high demand and at times outpace ITC availability. I understand my service provider has reserved appointment times for my family. If I am unable to meet the services and frequencies on my IFSP, my services may be reviewed with me and possibly reduced, or I may no longer stay assigned to my same provider.

Communication with my service coordinator is important. I understand that I am required to have contact with my service coordinator, as appropriate, to review and monitor my child's progress.

Communication with my service provider is important. If I do not respond to communication from my ITC providers, my services may be reviewed and possibly reduced, or I may no longer stay assigned to my current provider.

I will confirm with my child's provider my preferred means of contact and communication. This may include phone, e-mail or text.

I understand that I may contact my service coordinator or program administrator to discuss concerns about services.

TRANSITION PLANNING

Your child's Service Coordinator will help you with transition. A transition plan for your child is documented in your child's Individualized Family Service Plan (IFSP).

Transition options for your child will be discussed at IFSP meetings and at an individual Transition Planning Conference if you choose to have one.

Your child may transition to other public or private services.

TRANSITION OPTIONS

Children often transition to preschool public school special education programs between 2- 3 years of age:

- Fairfax County Public Schools- www.fcps.edu, Search: Special education early childhood
- Falls Church City Public Schools- www.fccps.org, Search: Child Find

Other community options include but are not limited to:

- Early Head Start/Head Start- www.fairfaxcounty.gov, Search: Head Start
- Childcare- www.fairfaxcounty.gov, Search: Early Childhood Programs and Services
- FCPS Early Literacy Program- www.fairfaxcounty.gov, Search: Early literacy
- Home Instruction for Parents of Preschool Youngers Program- www.fcps.edu, Search: Hippy
- Library Programs- www.fairfaxcounty.gov, Search: Early Literacy

Resources and Helpful Links

Program Name	Website
Infant and Toddler Connection of Fairfax Falls-Church	Information about Early Intervention Services through Fairfax County; helpful links, including online referrals and first steps to enrollment to ITC. www.fairfaxcounty.gov Search: Early childhood>ITC
Coordinated Services Planning	Provides information referral, linkage and advocacy to public and private human services available to Fairfax County residents. www.fairfaxcounty.gov Search: Coordinated services planning
Fairfax County Park Authority-Parktakes	Classes and activities for the community at countywide recreation centers. Scholarships are available for ITC participants. www.fairfaxcounty.gov Search: Parktakes
Care Connections for Children	Services and resources for children with special health needs. www.inova.org Search: Care connection for children
The Arc of Northern VA	Services and resources for people with intellectual and developmental disabilities and their families www.thearcova.org
Therapeutic Recreation Programs (TRS)	Access to recreation and leisure activities www.fairfaxcounty.gov Search: Therapeutic rec
Long-term care for children with disabilities (waivers)	Children with disabilities who meet certain requirements may be eligible for funding for support services through Medicaid and community waivers. www.fairfaxcounty.gov Search: Medicaid waivers
Fairfax County Parenting Support	The Department of Family Services offers free services to help families develop important skills to grow healthy relationships with their children. www.fairfaxcounty.gov Search: Parent education program

Resources and Helpful Links

Program Name	Website
Infant and Toddler Connection of Virginia	Describes principles of Early Intervention, services, and supports in the State of Virginia. www.itcva.online
Center for Family Involvement	Works with families to increase their skills as advocates, mentors, and leaders. www.centerforfamilyinvolvementblog.org
PEATC- The Parent Educational Advocacy Training Center	Collaborate with families, schools, and communities to improve opportunities for children with disabilities. www.peatc.org
CDC- Center for Disease Control and Prevention	Learn about developmental milestones www.cdc.gov Search: developmental milestones

ITC Family Activities

Family Support Workers are parents who participated in ITC and assist families within the early intervention system by offering resources, mentoring newcomers, and providing support. They work in partnership with community organizations, local businesses, county programs, and fellow team members to coordinate special events and ongoing activities for families in the ITC program.

Mia Batson: (703) 223-1392

Melisa Rodriguez: (571) 546-5119

Lara La Rocque-Sadr: (571) 585-4661



INCLEMENT WEATHER POLICY

If **Fairfax County Government is OPEN**, ITC offices **REMAIN OPEN** for administrative purposes and for center-based assessments.

If **Fairfax County Government is CLOSED**, we will contact you to offer alternatives for your session or to schedule a new appointment.

Your service coordinator or provider will contact you directly if changes need to be made to scheduled appointments due to inclement weather.

Strengthening Partnerships:

A Guide to Family Rights & Safeguards in the



**Infant & Toddler
Connection of Virginia**

Part C Early Intervention System

2024



The Arc of Virginia
2147 Staples Mill Road
Richmond, VA 23230
T: 804.649.8481
www.thearcofva.org

Dear Parent,

The Arc of Virginia staff is dedicated to providing support to the families receiving early intervention services. We are an organization composed of families who have received these services and we understand first-hand the questions and concerns that you may be having as you navigate services and supports.

This book was written to help families understand the early intervention system and the rights and safeguards (or protections) that have been put in place to ensure that families are involved in decisions that are being made concerning their child's early intervention services. These safeguards are included in Notice of Child and Family Rights & Safeguards Including Facts About Family Cost Share. You will receive a copy and explanation of these rights and safeguards throughout your time in the early intervention system.

As parents of children with developmental delays, we may be members of many teams throughout our children's lives such as the early intervention Individualized Family Service Plan (IFSP) team. Although early intervention staff will explain the IFSP team's purpose to you, you may still be wondering what part you play with the "professionals" gathered with you.

The most important thing to remember is that you are at the table speaking on behalf of your child and family and that you are the expert on this topic! Early intervention staff are there to coach and support you to interact with your child in ways to support their development. Because you spend the most time with your child you have more opportunities during natural routines and activities to interact with your child, develop strategies, and practice them with your child.

The Arc of Virginia is a statewide organization for children with developmental delays, people with developmental disabilities, and their families. Our New Path program was developed to provide focused support to families receiving early intervention services and facilitate family advocacy in the early intervention system. We have an e-newsletter that provides families with updates on early intervention and other related services, including family advocacy opportunities. Our staff is here to answer questions, provide support, and give families the tools they need to become involved.

Please visit our website www.thearcofva.org/newpath for more information. You can also find us on Facebook at www.facebook.com/newpathei or www.facebook.com/thearcofva Please do not hesitate to contact us if you have a question or would like to learn more. You can reach me directly at 804-649- 8481 ext. 102 or rchurch@thearcofva.org

Sincerely,
Robin Church
Director of New Path Family Support Network

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PURPOSE OF THIS GUIDE

Early intervention in Virginia is a coordinated system of community services for infants and toddlers (birth through age two, meaning until the child's third birthday) who have disabilities or developmental delays and their families. Through this system, called Infant & Toddler Connection of Virginia, agencies, parents, and service providers work together to give children and their families services to meet the children's developmental needs.

Parents of infants and toddlers who are eligible for early intervention services have an important and special role to play in their child's services. Parents:

- Provide information;
- Give permission;
- Participate in meetings; and
- Decide what services to accept.

To assist families in their roles in the early intervention system, this guide explains the major steps in becoming involved in the Infant & Toddler Connection of Virginia and the safeguards, or rules that are put in place to protect families' rights. It discusses how you can work with the people who provide early intervention services.

People who provide early intervention services might use technical language to describe the work they do with infants and toddlers and families. Ask for explanations of unfamiliar words. When technical words are used in this booklet, they will be defined in a box. There also is a glossary starting on page 23 of this booklet that defines some of these technical words.

BACKGROUND

Since the 1970's, the Commonwealth of Virginia has provided early intervention services for children, birth through two years of age (meaning until the child's third birthday), who are experiencing developmental delays. In 1986, the U.S. Congress provided funds to states to set up a comprehensive system of early intervention services. This system of services is referred to as Part C - Early Intervention for Infants and Toddlers with Disabilities within the federal special education law called the Individuals with Disabilities Education Act (IDEA). In this guide, the term *early intervention system* is used to describe Virginia's policies and practices under the federal Part C program.

In Virginia, there are 40 local lead agencies that plan, with the advice and assistance of a local interagency coordinating council (a group of people with interest in the early intervention system, including parents), how agencies and providers in the community will provide services for families.

Each local lead agency has someone you can contact for information and help. Please visit our website to find contact information for your local system.

(<https://www.itcva.online/local-system-managers>)



**Infant & Toddler
Connection of Virginia**

EARLY INTERVENTION SERVICES

Early intervention services are for infants and toddlers who are not developing as expected or who have a condition that can delay normal development, and their *families*. Services are provided to help children's development and to assist families in meeting the developmental needs of their child. Early intervention service providers work in partnership with families. Family involvement is important at every step along the way.

Family is defined according to each family's definition of itself.

Parent means a biological or adoptive parent of a child, a foster parent, a guardian, a person acting as a parent, (such as a grandparent or stepparent with whom a child lives, or a person who is legally responsible for the child's welfare); or a *surrogate parent*.

A *surrogate parent* is an individual assigned to act for a parent when the child is a ward of the state or a parent cannot be identified or located. If you are serving as a surrogate parent or want more information about safeguards and responsibilities of surrogate parents, contact your local [early intervention system listed on our website](#) (<https://www.itcva.online/local-system-managers>) or the Infant & Toddler Connection of Virginia at (800) 234-1448.

Every child and family entering the early intervention system has a service coordinator. Your service coordinator's job is to help your family:

- gather information to make good decisions for your child and family;
- arrange for and keep track of services;
- find out about and receive necessary services;
- find out about advocacy services;
- plan for changes in services (transition); and
- understand your rights, safeguards and responsibilities as a parent and use them when appropriate.

FINDING OUT IF YOUR CHILD IS ELIGIBLE FOR EARLY INTERVENTION

When your child is referred to the Infant & Toddler Connection of Virginia, a service coordinator will begin working with your family to find out if your child is eligible for services. This step is called eligibility determination. You will receive *written prior notice* before the eligibility determination happens.

Written Prior Notice: Before each major step in the early intervention process, your service coordinator must make sure you get a notice in writing. The notice will tell you what step comes next. The notice must be in the language you use unless this is not possible. It must also be clear and easy to understand. If you need any help in understanding the notice, ask your service coordinator for an explanation.

The notice must be given to you **before** the next step actually takes place. You can show the notice to others (a professional or friend) who can help you decide what is best for your child. All written prior notice will be given using standard state forms. Each time these standard forms are given to you, you will also receive a copy and explanation of Notice of Child and Family Rights and Safeguards Including Facts About Family Cost Share, which is a technical explanation of parents' safeguards with references to federal law.

As the parent, you play an important role in getting ready for eligibility determination. You have the opportunity to:

- Share information about you and your child, including what you know about your child's skills and needs;
- Give your service coordinator permission to gather information about your child from other professionals who know your child or have tested your child;
- Ask questions about the eligibility determination process; and
- Give *informed consent*, permission, for eligibility determination.

Informed Consent: To make good decisions, you need accurate information. Giving your consent means that you understand what is being offered and recommended, and with that understanding, you give your permission. The best time to ask questions is before you give your consent.

To find out if your child is eligible for early intervention services, a *multidisciplinary* team reviews the information you shared about your child, results of any screening or assessment tool used, and information from your doctor and other professionals who know your child (with your permission).

Often this information is enough for the team to decide if your child meets the eligibility criteria for early intervention services (see page 6). Sometimes, the team will need more information and some testing will be done to help the team learn more about your child's development. If information from your child's medical or other records is enough by itself to show that your child meets the eligibility criteria, then no team or further evaluation is needed and you can move directly to the next step in the process, assessment for service planning.

Multidisciplinary means professionals from at least 2 different disciplines or professions. Under the federal law, one individual who is qualified in more than one discipline or profession meets the definition of *multidisciplinary* for eligibility determination and assessment for service planning.

All parents are a part of eligibility determination because they provide important information to the multidisciplinary team about their child's development. Let your service coordinator know if you also would like to be part of the multidisciplinary team discussion about whether your child is eligible. Otherwise, your service coordinator will call you after the team meets to let you know whether or not your child is eligible for early intervention services.

If the multidisciplinary team decides that your child is eligible for services, you will work together to do an assessment for service planning and develop an individualized family service plan (IFSP). These steps are explained in the next sections.

If the multidisciplinary team decides that your child is not eligible for early intervention services, you can ask your service coordinator to help with referrals to other resources in your community that may be helpful to your child and family. You also are welcome to call the Single Point of Entry for your local area again if you have concerns about your child's development.

If agreement cannot be reached on your child's eligibility, there are ways to help resolve these differences (see page 17).

Criteria for Eligibility for Early Intervention Services in Virginia

In Virginia, your child may qualify three different ways for early intervention services. Information gathered during the eligibility determination process will help identify if your child meets one or more of the eligibility criteria.

- I. Infants and toddlers with at least a 25% developmental delay (chronological age or age adjusted for prematurity) in one or more of the following areas:
1. **cognitive development** (thinking skills);
 2. **physical development** (including the way muscles work, vision and hearing);
 3. **communication** (understanding what is said or communicating what is wanted)
 4. **social or emotional development** (ability to interact with others and express feelings); or
 5. **adaptive development** (doing things independently like eating and helping to dress self).

AND/OR

- II. Children without a 25% developmental delay who are developing atypically in one of more of the following:
1. **atypical or questionable sensory-motor responses** (abnormal muscle tone, limitations in joint range of motion, abnormal reflex or postural reactions, poor quality of movement patterns or quality of skill performance, oral-motor skills dysfunction, including feeding difficulties)
 2. **atypical or questionable social-emotional development** (delay or abnormality in achieving expected emotional milestones, persistent failure to initiate or respond to most social interactions, or fearfulness or other distress that does not respond to comforting by caregivers)
 3. **atypical or questionable behaviors** that interfere with the acquisition of developmental skills or
 4. **impairment in social interaction and communication skills along with restricted and repetitive behaviors.**

AND/OR

- III. Children who have a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay. These include, but are not limited to:
1. seizures/significant encephalopathy (identifies the high risk group with low Apgars and/or asphyxia);
 2. significant central nervous system anomaly;
 3. severe Grade 3 intraventricular hemorrhage with hydrocephalus or Grade 4 intraventricular hemorrhage;
 4. symptomatic congenital infection;
 5. effects of toxic exposure including fetal alcohol syndrome, drug withdrawal and exposure to chronic maternal use of anticonvulsants, antineoplastics, and anticoagulants;
 6. myelodysplasia;
 7. congenital or acquired hearing loss;
 8. visual disabilities;
 9. chromosomal abnormalities, including Down syndrome;
 10. brain or spinal cord trauma, with abnormal neurologic exam at discharge;
 11. inborn errors of metabolism;
 12. microcephaly;
 13. severe attachment disorder;
 14. failure to thrive;
 15. autism spectrum disorder;
 16. endocrine disorders with a high probability of resulting in developmental delay;
 17. hemoglobinopathies with a high probability of resulting in developmental delay;
 18. cleft lip or palate;
 19. periventricular leukomalacia;
 20. neonatal factors that make developmental delay highly probable:
 - gestational age less than or equal to 28 weeks; or
 - NICU stay greater than or equal to 28 days; or
 21. other physical or mental conditions at the multidisciplinary team's discretion.

ASSESSMENT FOR SERVICE PLANNING

You will be given written prior notice before the assessment for service planning takes place. With your signed permission, your service coordinator will arrange for an *assessment* to learn about your child's strengths and needs in all areas of development. This information will help the team figure out what early intervention services are needed to meet your child's and family's needs. The assessment will include how your child:

- thinks and understands events occurring in his day - this is called *cognitive development*;
- sees things, hears sounds and voices and is growing - this is called *physical development*;
- moves - this is called *gross motor or fine motor development*;
- understands what you say or lets you know what she wants - this is called *communication*;
- gets along with other people and expresses his feelings - this is called *social or emotional development*; and
- does ordinary things expected of babies and toddlers like feeding herself, helping to dress himself and kissing and hugging - this is called *adaptive development*.

Assessment is the way that professionals learn about your child's strengths and needs and what services might help meet those needs. With your permission, assessment also includes learning about your family's concerns, priorities (what's most important to you), and resources.

Note: The words *she* and *he* or *her* and *him* are used alternately to refer to children. No matter what gender is used, both boys and girls are equally included.

If your child has already had an assessment, additional assessments may not be needed. Your service coordinator will make sure that any assessment procedures used are sensitive to your family's needs and culture.

During the assessment, your child will be given a fair chance to show what she can do. Your child will be assessed by a group of professionals who represent at least two professions or areas of development or by one professional who is qualified in two professions or areas of development. Professionals may include infant educators, speech therapists, physical therapists, occupational therapists, social workers, nurses, and/or others.

As the child's parent, you are an important part of the team during the assessment. You are welcome to participate in assessments and in any meetings where assessment results are discussed or explained. You can invite anyone to the assessment or meetings who can help you with the discussion about your child and can help you with making decisions. For the assessment, you have an opportunity to:

- give permission before any testing is done;
- give your service coordinator permission to gather information about your child from other professionals who know your child;
- share with the team what you know about your child's skills and needs;
- decide if the assessment will include information about your family's resources, priorities and concerns about your child;
- include information from other people who have tested your child in the last six months;
- get copies and explanations of the test results and other reports; and
- ask questions about the assessment process or the results.

The information learned through the assessment for service planning will be used by the team during the next step, the Individualized Family Service Plan (IFSP) meeting.

INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) MEETING

The individualized family service plan (IFSP) is a written plan for providing early intervention services. Within 45 calendar days after referral, your team will meet to write an IFSP. At the IFSP meeting, members of the IFSP team, which includes you, work together to develop a plan for the next year.

You are an important member of the team. You can invite other family members or people who you feel can help you make good decisions for your child. Your service coordinator and local service providers will also be members of the team. Your service coordinator will set up the meeting at a time and place that is convenient and comfortable for you. You will also receive this information in writing.

At the IFSP meeting, you and the rest of the team will discuss your child's strengths and needs, what you consider most important for your child and family, and goals and *outcomes*. This is a good starting point for deciding what services are needed to help your child develop. All team members,

including you, share ideas about what activities and services will help your child and family. Together you will decide what goes in the IFSP.

Outcomes are statements of the major changes you and the rest of the team hope to see for your child and family.

The IFSP lists what you and the early intervention providers will be working on and includes:

- the name of your service coordinator;
- your child's current skills and levels of development;
- if you agree, a statement of your family's resources (supports that you and your child have, including people, activities and programs/organizations) , priorities, and concerns related to your child's development;
- outcomes the team hopes to see for your child and family;
- what early intervention services and supports will be provided;
- where services will be provided;
- the natural environment, to the extent appropriate, in which services will be provided, including the home and settings that are natural or typical for children who are your child's age;
- how often services will be provided, when they will begin and how long they will last;
- other services needed by your family but that the early intervention system does not make available;
- payment arrangements, if any;
- a transition plan for when your child is getting ready to leave early intervention services; and
- your signed permission to begin services.

You will be asked to sign the IFSP to show that you agree with the plan and want your child and family to get the services that it describes. You can choose to accept all, some, or none of the services. Nothing will be done without your permission. You can ask for the IFSP to be reviewed at any time. If there is ever a time when you and the rest of the team cannot reach agreement on what services should be in the IFSP, refer to page 17.

AVAILABLE EARLY INTERVENTION SERVICES

Many kinds of early intervention services are available to meet the needs of the many different kinds of children and their families. Services can include:

- assistive technology devices and services
- audiology
- developmental services
- family training, counseling and home visits
- health services
- medical services (for diagnosis or assessment only)
- nursing services
- nutrition services
- occupational therapy
- physical therapy
- psychological services
- service coordination
- sign language and cued language services
- social work services
- speech language pathology
- transportation and related costs
- vision services

Some families receive only a few services. Others receive more. It depends

on your child and family's needs. Regardless of the type and number of services you receive, early intervention providers coach and support you to interact with your child in ways to support their development during everyday routines and activities.

PAYING FOR EARLY INTERVENTION SERVICES

Some services must be available at no cost to parents. These are eligibility determination, assessment, service coordination, IFSP development, and safeguards.

You may be charged for other early intervention services based on your ability to pay as determined using the steps described in the Facts About Family Cost Share section of Notice of Child and Family Rights and Safeguards Including Facts About Family Cost Share. You received a copy of this document and it was explained to you when you received written prior notice before eligibility determination. You will be offered an additional copy and receive an explanation of this document at every IFSP review and annual IFSP meeting.

Some of the costs of services are supported by federal, state and local funds. Local early intervention service providers also rely upon payment from individual health insurance (with your permission) and Medicaid, as well as fees based on parent income in order to fund services. However, you will not be denied services because you cannot pay for them. If you have some questions about how services for your child might be funded, you should discuss this with your service coordinator.

IFSP REVIEWS

You, your service coordinator and service providers will review the IFSP over time to make any changes needed.

Six-Month IFSP Review

Ongoing assessment of your child's development and progress is built into early intervention services. Your child's IFSP will be reviewed every six months or more often if necessary. You, your service coordinator and, if appropriate, other service providers will review the IFSP. At the IFSP review, you and the others present will discuss your child's progress.

You can request a review of IFSP outcomes and services at any time. If your child is not making expected progress, or if you believe that services need to be adjusted (increased, decreased, or ended), an IFSP review can be held to discuss your concerns.

Written prior notice is required before changes to services: Anytime early intervention providers want to make a change or refuse to make a change in the services listed on your IFSP, they must give you a notice in writing. Changes might include adding a new service, ending a service, or a change in how often you will receive a service. The change may have been suggested by you or by a provider(s). The notice must tell you what you can do if you disagree with the proposed change.

Any possible change will be discussed with you at an IFSP meeting first, and the written notice must be given to you **before** the change is discussed at an IFSP meeting. You can take time to think about the change and decide if you agree with it. You can also show the notice to others (a professional or friend) who can help you decide what is best for your child.

Annual IFSP

At least once a year, your team meets to discuss your child's progress and update the IFSP. Your service coordinator arranges this team meeting at a time and place that is convenient for you. Before an annual meeting, your service coordinator will let you know about the meeting in writing and give you an explanation of your safeguards in writing. As a part of the team, you will be asked to join in on the discussions and decision-making as you did for the first IFSP.

At the time of the annual IFSP, a multidisciplinary team will review information from you and from your child's service providers to check that your child is still eligible for early intervention services.

Things I want to remember:

TRANSITION

By the time they leave early intervention, some children no longer need special assistance. Others still need some more help. This can be provided by community agencies, private providers or by the early childhood special education system in the public schools.

You should be informed about Virginia's system of services for children through age 5 at your first IFSP meeting. Virginia's system of services is designed to transition eligible children into public school services, if you agree, as early as age two (at the start of the school year in which your child is 2 by September 30) and by age 3.

Your local school system provides early childhood special education for children with delays and disabilities under what is called *Part B of the Individuals with Disabilities Education Act (IDEA)*. In Virginia, eligible children who will be two years old by September 30th can begin early childhood special education at the start of the school year. Many two year olds move to services through the school system in September of the year they are eligible. Transitions for some two year olds may be delayed until later in that school year if the local school system allows that. You decide when your child transitions as a part of the IFSP. Early intervention services continue to be available until the transition occurs or until your child's third birthday.

A transition plan helps you and your child move smoothly from early intervention to whatever comes next for your child. This transition plan is a part of your child's IFSP and must be developed at least 90 days or up to nine months (if all parties agree) prior to your child's third birthday or prior to your child's anticipated date of transition if he/she will transition earlier.

Steps in the transition to special education may include:

- ▶ notifying the local school division and the Virginia Department of Education of your child's name and birth date and your name, address, and telephone number as your child gets close to the age of eligibility for special education (at least 90 days before your child's anticipated date of transition), unless you indicate in writing on the IFSP transition page that you do not want the information sent. This notification serves as a referral for special education services;
- ▶ transferring information about your child (such as assessment

- information and IFSPs) to the local school system, with your permission;
- having a conference with the local school system at least 90 days or up to nine months (if all parties agree) prior to your child's anticipated date of transition;
 - discussing future services and placements; and
 - preparing you and your child for a change in services and helping her adjust to a new setting.

During the transition from early intervention to early childhood special education services, your service coordinator can go to meetings with you.

If your child is not eligible for special education, but still needs some services or supports, your service coordinator will, with your approval, attempt to schedule a transition meeting with others in the community to discuss next steps for your child and family. Your service coordinator can help you plan for and find other services in your community, as available. These might include Head Start, nursery schools, or other education or family support programs that can help meet your needs. Your IFSP will document these efforts.

As your child leaves early intervention services, it is a good idea to make sure you have a complete copy of your child's records. The records will help you document the progress your child has made and may be useful as you plan for future services and supports. Review your child's early intervention records to decide what information you would like passed along to special education or your next service providers. If you disagree with something in your child's records, you can ask to have them changed. See page 16 for information on how to do this.

CONFIDENTIALITY

The early intervention services your family and child receive and the reasons you need these services are personal and private. Although you share personal information about your child or your particular family situation with your service providers, your privacy is protected through the confidentiality requirements in the early intervention system.

Confidentiality extends to written records and conversations people may have with you or about your child and family.

Early intervention providers collect information to keep careful track of what services are provided to your family and how well your child is doing. Keeping information confidential is not only a federal and state requirement, but also an important part of gaining your trust.

"My little boy's disability is one that a lot of people don't know about. It was so nice to have help with finding out who in my area could help us. But I always knew they wouldn't talk to anyone about us without our permission." —A Virginia Parent

There are extensive requirements telling early intervention providers how to handle confidential records. These include:

- **Record storage:** All records that contain personally identifiable information are kept where only certain people can see them. These authorized people include individuals who have a legitimate reason to look at your early intervention records. They include your service coordinator, the professionals working with you and your family, and the administrators of the agencies responsible for providing you with services.
- **Authorization to see files:** No one can give out information or tell what is in your child's record without your permission except under very limited circumstances allowed under federal law.
- **Disclosure record:** The local early intervention system has a list of all the files kept on your child and family. There is also a list of everyone who has looked at any of your child's records. You can see this "*disclosure record*" if you ask.
- **Parent permission:** Except under very limited circumstances allowed under federal law, confidential information in the files cannot be shown or given to anyone without your written permission. A copy of your written permission telling what information can be shared and who can get it must be kept in the file.

- **Disposal of records:** Your early intervention system will provide notification of when they no longer need the information in your child's records. Often the early intervention system will destroy the record at that point, and they are required to do so if you request it. However, the provider may maintain permanent records of your child's name, date of birth, your contact information (address, phone number), the names of your child's service coordinator and other early intervention providers, and information about when your child exited the early intervention program and any programs he transitioned to upon exit.

Periodically, during your time in Infant & Toddler Connection of Virginia, you will receive a copy and explanation of Notice of Child and Family Safeguards Including Facts About Family Cost Share which explains in detail all of the safeguards under Part C, including those related to confidentiality.

REVIEWING YOUR CHILD'S RECORDS

Looking at your child's and family's early intervention records helps you know about your child and your child's services. The more you know, the more effective you will be as a member of the team making decisions about your child. Knowing what is in the records helps you make the best decisions for your child. It is helpful to check to make sure that what is in your child's records is accurate.

You can ask your service coordinator to make arrangements for you to look through the records. Early intervention providers must let you see the records within a reasonable time (within 10 calendar days of your request) and before any meeting about your child. You can ask for explanations of anything you see in the records. You can also arrange for someone representing you or your child to look at the records.

You can ask for copies of information in the records. One copy of the record must be made available to you at no cost. After that, you may be asked to pay for the actual cost of making the copies, but not for the time it takes to find and copy them. If you cannot afford to pay for the copies, you can still receive copies of your child's records.

If you see something in the records that you believe is not accurate, you can ask that it be changed or removed. Ask your service coordinator for help with this and about the local procedure to request a change in the records.

If service providers do not make the change you request, you can ask for a hearing. If the hearing officer determines that the record does not have to be changed, you can place your own explanation of the information into the file. Your explanation must be kept with the file and included every time the information you object to is given out so that the person who receives it will know about your concern.

RESOLVING DISAGREEMENTS

Early intervention works best when families and professionals work together. This means sharing information, being honest about ideas and feelings, listening carefully, asking questions, and treating everyone with courtesy and respect.

Even the best of friends sometimes disagree. The same is true for families and service providers. In most cases, families and professionals can discuss their disagreements and reach a compromise that everyone can accept.

You and the people providing early intervention services are a team and have the same goal. You all want your child to get a good start in life. Service providers want you to be satisfied with what the team is doing on behalf of your child and family. Everyone on your team should listen to your ideas and concerns, and answer your questions. It is easier to come to agreement when everyone tries to understand each other's view of the situation.

If you have differences, you will probably be able to settle those differences more easily if you:

- are specific about what is bothering you and give examples;
- know what effect the disagreement has on you and your child;
- are clear about how you want the situation to be different; and
- explain what you want others to do to make things better.

Sometimes, even when people mean well and try hard, talking it over does not work. There are three formal ways in the early intervention system to resolve disagreements. These are called complaints, mediation and impartial due

process hearings. A general description of these three procedures is provided below. A complete description is included in Notice of Child and Family Rights and Safeguards Including Facts About Family Cost Share.

Filing a Complaint

Anyone can file a complaint if they believe any agency or person providing early intervention services has violated the early intervention requirements. Complaints must be made in writing, signed and must include your contact information; the specific facts on which the complaint is based, including the Part C requirement that is alleged to have been violated; the name of your child and the service provider; and a proposed solution to the problem if you have one. Complaints must be filed within one year.

As the parent of a child receiving early intervention services, you can also file a written complaint when you disagree with anything related to the services your child and family are getting. For example, you might want to file a complaint if your local early intervention system is not:

- doing something the team agreed to—like conducting an assessment or providing a service;
- meeting important deadlines—like determining eligibility and developing an IFSP in 45 days; or
- letting you look at your child's early intervention records.

Include in your written complaint specifically what action or decision you disagree with and why you object. Send a copy of your complaint to the agency or provider serving your child at the same time you send the complaint to:

Department of Behavioral Health and Developmental Services
Office of Early Intervention
P.O. 1797
Richmond, VA 23218

Call the Department at (804)786-3710 if you have questions.

Once your complaint is received, the state agency responsible for early intervention will investigate. You will be given the opportunity to submit

additional information, either verbally or in writing, about your complaint. You will be notified of the results of the investigation within 60 calendar days. Any issues that are currently being addressed in a due process hearing will not be investigated as a state complaint.

Using Mediation

Many disagreements between families and professionals can be worked out with the help of a mediator. *Mediation* is a process that makes it possible for a specially trained person, who doesn't have a financial or other interest in the case, to help you and the early intervention system reach an agreement.

In mediation, no one wins or loses. Successful mediation builds on the partnership you have with providers and keeps it strong. The result of mediation is that you and providers write down and sign what you each agree to do to solve the problem. Mediation occurs at a time and place convenient for both you and individuals representing the early intervention system.

You can begin mediation and file a request for an impartial hearing at the same time or you can begin mediation without requesting an impartial hearing. Mediation is voluntary. This means that if you do not think it will work, you do not have to do it.

The mediation process must be completed within 15 calendar days of the Infant & Toddler Connection of Virginia's state office receipt of notice that both parties agree to mediation. Mediation cannot extend the timelines for a due process hearing (30 calendar days).

Requesting a Due Process Hearing

Hearings are the most formal way to resolve disputes. You can request a hearing if you disagree with a decision or action that affects your child's identification, eligibility determination, placement or the services you and your child receive.

Hearings are conducted by impartial hearing officers who know the early intervention law, regulations, policies and practices. A hearing is a formal proceeding where evidence can be presented and witnesses can be called to testify. You can bring a lawyer with you or anyone else you think can help you present your case and best represent your child's interests.

A hearing follows a number of rules, including strict timelines. The main

rules for hearings are:

- hearing officers must be completely impartial—which means that they cannot have a personal or professional interest that would conflict with their objectivity in the outcome of the hearing or be an employee of any agency or entity providing early intervention services or care to your child;
- hearings must be held when and where it is reasonably convenient for you to attend;
- evidence presented must be shown to you at least five days before the hearing;
- the hearing must be recorded. The record can be a tape or a written transcript, and you can ask for a free copy;
- the hearing officer must make a decision and mail the written decision to each party no more than 30 calendar days after the request for a hearing is filed; and
- during the hearing process, your child and family must continue to receive the early intervention services currently in your IFSP unless you and the early intervention system agree otherwise. If the hearing involves a request for initial services and your child has been determined eligible, your child must receive those services already agreed to by you and the early intervention system.

Your written request for a hearing should say specifically what action or decision you disagree with and what you want changed. Send your request for an impartial hearing to:

Department of Behavioral Health and Developmental Services
Office of Early Intervention
P.O. 1797
Richmond, VA 23218

Call them at (804)786-3710 if you have questions.

After the hearing is completed, the hearing officer makes a decision based on

the facts and evidence presented. If you are not satisfied with the hearing officer's decision, you may file civil action with any state or federal court.

Filing a Medicaid Appeal (For Medicaid recipients only)

When the Infant & Toddler Connection of Virginia plans to take an action that adversely affects your child's services, you will receive a Notice of Action letter that explains how you can file an appeal with the Department of Medical Assistance Services, the state Medicaid agency in Virginia. Both the Notice of Action letter and the Notice of Child and Family Rights and Safeguards Including Facts About Family Cost Share explain what actions can be appealed, how to file an appeal and where to get more information.

If you have a disagreement with your early intervention service providers, deciding upon which options to take can be complicated. If you have questions, discuss your options with your service coordinator, who has the responsibility to make sure that you understand your options. You can also call The Arc of Virginia at 1 (804) 649-8481, the Disability Law Center at (800) 552-3962 or the Parent Educational Advocacy Training Center at (703) 923-0010 or toll-free (800) 869-6782 to discuss options.

Things I want to remember:

GLOSSARY

Assessment—the ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility under Part C to identify: (a) the child's unique strengths and needs and the services appropriate to meet those needs; and (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 child.

Developmental delay—see page 6 of this guide

Eligibility—see page 6 in this guide

Eligibility Determination – the process by which a multidisciplinary team determines whether or not a child meets the Infant & Toddler Connection of Virginia eligibility criteria

Family—defined according to each family's definition of itself

IFSP or individualized family service plan— a written plan for providing early intervention services to eligible children/families

Mediation—a voluntary process freely agreed to by parents and providers to attempt to resolve Part C disagreements.

Multidisciplinary— the involvement of two or more qualified professionals from different disciplines or professions (or, in the case of eligibility determination and assessment for service planning, one individual who is qualified in two or more disciplines of professions)

Natural Environment—settings that are natural or normal for children who are your child's age

Personally identifiable information— information that would make it possible to identify your child with reasonable certainty, such as your child's and other family members' names, social security numbers, address, or a list of personal characteristics

Surrogate parent—an individual who is assigned to act for a parent when the child is a ward of the state or a parent cannot be identified or located

Transition—the entry or exit of children and families to and from early intervention services. See page 13 in this guide



Single Points of Entry for Accessing Early Intervention Services

Across Virginia, there are 40 local early intervention systems. Their contact information and areas served are listed below. Phone numbers may change. If you are not able to contact the local early intervention system through the number listed below, contact (804) 786-3710 to obtain the current phone number.

Infant & Toddler Connection of:	Counties/Cities Served	Phone Number
Alexandria	City of Alexandria	(703) 746-3387 (703) 746-3350
Alleghany Highlands	Alleghany County; Cities of Clifton Forge and Covington	(540) 863-1620
Arlington	Arlington County	(703) 228-1630
Augusta-Highland	Counties of Augusta and Highland	(540) 245-5133
the Blue Ridge	Counties of Albemarle, Fluvanna, Greene, Louisa, and Nelson; City of Charlottesville	(434) 970-1391
Central Virginia	Counties of Amherst, Appomattox, Bedford and Campbell; Cities of Bedford and Lynchburg	(434) 444-5904
Chesapeake	City of Chesapeake	(757) 547-8929
Chesterfield	Chesterfield County	(804) 768-7205
Crater District	Counties of Dinwiddie, Greensville, Prince George, Surry, and Sussex; Cities of Colonial Heights, Emporia, Hopewell, and Peters	(804) 863-1689 ext. 3160
Cumberland Mountain	Counties of Buchanan, Russell, and Tazewell	(276) 964-6702
Danville - Pittsylvania	Pittsylvania County; City of Danville	(434) 799-0456 ext. 3141
DILENOWISCO	Counties of Dickenson, Lee, Scott and Wise; City of Norton	(276) 431-3521
the Eastern Shore	Counties of Accomack and Northampton	(800) 568-9269
Fairfax - Falls Church	Fairfax County; Cities of Fairfax & Falls Church	(703) 246-7121
Goochland - Powhatan	Counties of Goochland and Powhatan	(804) 657-2010
Hampton - Newport News	Cities of Hampton and Newport News	(757) 726-4012
Hanover	Hanover County	(804) 723-2070
Harrisonburg - Rockingham	Rockingham County; City of Harrisonburg	(540) 433-7144 ext. 1
Henrico - Charles City - New Kent	Counties of Henrico, Charles City, and New Kent	(804) 727-8372
the Heartland	Counties of Amelia, Buckingham, Charlotte, Cumberland, Lunenburg, Nottoway, and Prince Edward	(434) 395-2967
the Highlands	Washington County; City of Bristol, Abingdon	(276) 619-2406
Loudoun County	Loudoun County	(703) 777-0561 (571) 258-3095
the Middle Peninsula - Northern Neck	Counties of Essex, Gloucester, King & Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmorland	(804) 758-5250 (800) 305-2229
Mount Rogers	Counties of Bland, Carroll, Grayson, Smyth, and Wythe; City of Galax and Marion	(276) 223-3270
the New River Valley	Counties of Floyd, Giles, Montgomery and Pulaski; City of Radford	(540) 831-7529
Norfolk	City of Norfolk	(757) 441-1186
the Piedmont	Counties of Henry, Franklin, and Patrick; City of Martinsville	(276) 632-7128 ext. 1241
Portsmouth	City of Portsmouth	(757) 393-8321
Prince William	Prince William County; Cities of Manassas, Manassas Park and Quantico	(703) 792-7879
the Rappahannock Area	Counties of Caroline, King George, Spotsylvania, and Stafford; City of Fredericksburg	(540) 372-3561
Rappahannock Rapidan	Counties of Culpeper, Fauquier, Madison, Orange, and Rappahannock	(540) 829-7480
Richmond	City of Richmond	(804) 855-2742
Roanoke Valley	Counties of Botetourt, Roanoke and Craig; Cities of Roanoke and Salem	(540) 283-5050
the Rockbridge Area	Counties of Bath and Rockbridge; Cities of Buena Vista and Lexington	(540) 462-6638
the Shenandoah Valley	Counties of Clark, Frederick, Page, Shenandoah, and Warren; City of Winchester	(540) 635-2452 Ext. 17
Southside	Counties of Brunswick, Mecklenburg, and Halifax; Cities of South Boston and South Hill	(434) 570-1505
Staunton-Waynesboro	Cities of Staunton and Waynesboro	(540) 245-5133
Virginia Beach	City of Virginia Beach	(757) 385-4400
Western Tidewater	Counties of Isle of Wight and Southampton; Cities of Franklin and Suffolk	(757) 562-6806
Williamsburg * James City * York * Poquoson	James City County, Poquoson, Williamsburg, York County	(757) 566-8687





Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. Reasonable accommodations will be provided upon request.

For information, call 703-324-4600 or TTY 711.