

Parent Handbook



TEXAS
Health and Human
Services

*Early Childhood
Intervention*

Welcome to ECI!

Texas Early Childhood Intervention (ECI) programs serve families with children birth to 36 months with developmental delays or disabilities. ECI provides family support and specialized services to strengthen the family's ability to access resources and improve their child's development through daily activities.

This handbook describes what will happen during the time your family is involved with ECI. It also explains the legal rights you have as the parent of a child in ECI. Knowing and understanding your rights is important to making sure you are getting the right services for your child and family.

Texas ECI: Family to Family is a 10 minute video that offers a family perspective of ECI for families who have been or may be referred to ECI. It may help you understand more about ECI services and what to expect.

Parent to Parent: Knowing Your Rights is an 11 minute video that provides an overview of some of your rights, including: consent, prior written notice, and confidentiality.

To view either video, visit: hhs.texas.gov/eci

ECI Program Information

Program Name _____

Program Director _____

Telephone _____

ECI Service Coordinator _____

Telephone _____

HHS Office of the Ombudsman: **877-787-8999**

Website: hhs.texas.gov/eci

If you are a person who is deaf or hard of hearing, use the relay option of your choice. Talk to your local ECI program if you need more information or have a concern about your services. If you still have concerns or need more information, call the toll-free HHS Office of the Ombudsman line. Staff can connect you with someone to talk to you about your concerns.



A Message for Parents

from the ECI Director

All children learn and grow at their own pace, but some babies and toddlers need a little extra help. If you are concerned about your child's development, you are not alone. Many parents across the state have come to Texas Early Childhood Intervention (ECI) to get help for their babies.

Since 1981, Texas ECI has been providing services and support to families like yours. Our service providers teach parents activities that help children with developmental delays or disabilities learn and grow. ECI provides most of its services and supports to children and families in their own homes and other places where children and families go. Our goal is for you, and others who care for your child, to learn how to best help your child.

At Texas ECI, we know that you are the most important person in your child's life and know your child better than anyone. As a parent, you are your child's first and best teacher. We encourage you to join in every step of the process, from deciding what kind of help your child and family need, to working daily with your child to help him grow and learn.

Welcome to ECI! We look forward to working together with a mutual goal of a bright future for your child.

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What is the Texas ECI System?

Your local Early Childhood Intervention (ECI) program is one of many across Texas that is part of the statewide early childhood intervention services network. The state agency responsible for coordinating the statewide, comprehensive, interagency system for ECI services is the Health and Human Services Commission (HHSC). HHSC contracts with local agencies throughout Texas to provide ECI services. No matter where you live in Texas, there is an ECI program that serves you.



The HHSC ECI staff and local programs in your community work together to provide early intervention services for families and children. The Individuals with Disabilities Education Act (IDEA) gives states the authority to operate early childhood intervention programs. ECI services are authorized in Part C of IDEA. All ECI programs must comply with the requirements of IDEA. ECI receives funding under Part C of IDEA, as well as from the State of Texas. ECI also receives funds through its collection of payments from Medicaid, CHIP, private insurance, and fees charged to some families.

Important Information about ECI:

Parents and professionals work together as a team. As part of the team, you help develop a plan for ECI services. These services will show you how you can help your child develop. You are your child's best teacher.

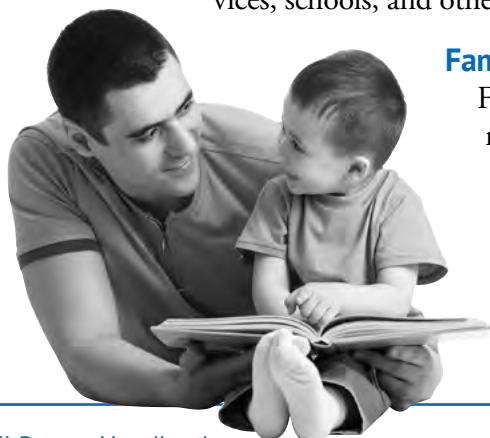
Services are provided in places convenient for families. ECI provides services in familiar places, such as your home or your child's day care center.

Research shows children learn new skills best during everyday activities. ECI licensed and credentialed professionals work with you to find learning opportunities to help your child within daily routines such as bath time, mealtime, or playtime.

Services are coordinated with other providers in the community. The person assigned to help you with this is your Service Coordinator. ECI works with doctors, child care providers, social services, schools, and others to help your family identify and access important resources.

Families of all income levels can receive ECI services.

Families are expected to share in the cost of services. However, no family is turned away because of an inability to pay.



What are Your Rights in ECI?

*parent

Includes a natural parent, stepparent, adoptive parent, foster parent, guardian, grandparent or other relative with whom the child lives, or someone else who is legally responsible for the child's welfare; surrogate parents are assigned for children who do not have someone available who meets the definition of "parent".

You and your child have rights that begin when ECI first learns about your child. It is important for you to know and understand those rights. They are designed to protect your child and family. This handbook contains information about your rights. ECI staff will also explain them to you, and you are encouraged to ask questions at any time to help you understand them.

In addition to the *ECI Parent Handbook*, there is a short (11 minute) online video in which a parent gives examples of how or when you may choose to exercise your rights during your time with ECI. The video, *Parent to Parent: Knowing Your Rights* (in both English and Spanish), provides an overview of some of your rights, including:

- Consent
- Prior Written Notice
- Confidentiality

This video, as well as other ECI videos, is located on the ECI web page at: hhs.texas.gov/services/disability/early-childhood-intervention-services/eci-public-awareness/eci-videos. If you do not have access to a computer, you may request a DVD viewing from your program.

Consent

One of the most important rights you have as a parent* is to decide what is best for your child. ECI must get written permission from you for almost any action affecting your child that the ECI program wants to take or refuses to take. This is called written parental consent. Written parental consent is documentation that you have been informed of and agree to the proposed action. Your right to give written consent is protected under IDEA (federal law).

Before signing written consent that may affect your child or family, make sure you:

- have been informed, in your native language, of all relevant information, and
- understand and agree to the activity.

Prior Written Notice

Another important right, which also starts when you begin in ECI and continues throughout your time with the program, is your right to adequate notice of meetings and activities in which you will be asked to participate. The notice, which is referred to in the law as "prior written notice," is intended to inform you when ECI is scheduling an event and proposing to take or not take actions. The notice will also remind you of your rights related to those actions.

ECI must provide you prior written notice of meetings early enough to give you time to prepare for the meeting. This will allow you and any others you want to invite enough time to participate in an informed way. The notice tells you:

- what will be discussed,
- any records or reports that might be used during the discussion,
- who will be at the meeting,
- when and where the meeting will take place,
- information about your rights related to the meeting, and
- any other information you might need so you can actively participate.

You will receive prior written notice for all activities involving your child's screening, evaluation, assessment, determination of eligibility*, beginning, changing, or discontinuing ECI services, and transition*. You may get this type of notice at the same time you get notice of a meeting to discuss the issue. The notice will contain the information you need to understand ECI's proposal so you can decide if you agree, and what you can do if you don't agree.

When you make a request of ECI about an aspect of your services, and your ECI team does not agree to your request, they will send you written notice telling you why they will not be granting your request. The notice will explain the basis of their decision and what you can do if you disagree with their denial of your request.

Your right to prior written notice is an important part of your rights while in ECI. Be sure to read any notice you receive carefully and ask for additional information if you need it. ECI wants you to understand and participate in decisions that will impact your child and family.

Confidentiality

From the moment ECI learns about you and your family, any information ECI learns about your child or family is confidential. With a few exceptions, ECI cannot give this information to anyone, including other agencies or professionals, without your written consent. Even after you have left ECI, your personal records remain confidential.

There may be times when ECI would like to get information about your child from other health care or service providers. ECI will first get your written consent to contact the other health care or service provider. ECI will also keep information received from these other sources confidential, with the same few exceptions.

There are a few situations in which your ECI program may need to share information about your child or family without getting your consent each time. Examples include:

- Your ECI program sends information about your family, including your income and the ECI services you are receiving, to HHSC ECI for administrative purposes. HHSC ECI uses this information in monitoring local ECI programs to make sure they are following ECI requirements.
- Your ECI program may have to turn over records without your consent if a court orders them to or if Child Protective Services (CPS) is conducting an investigation or if your child is in foster care.

If you believe your right to confidentiality has been violated, you may file a written complaint with:

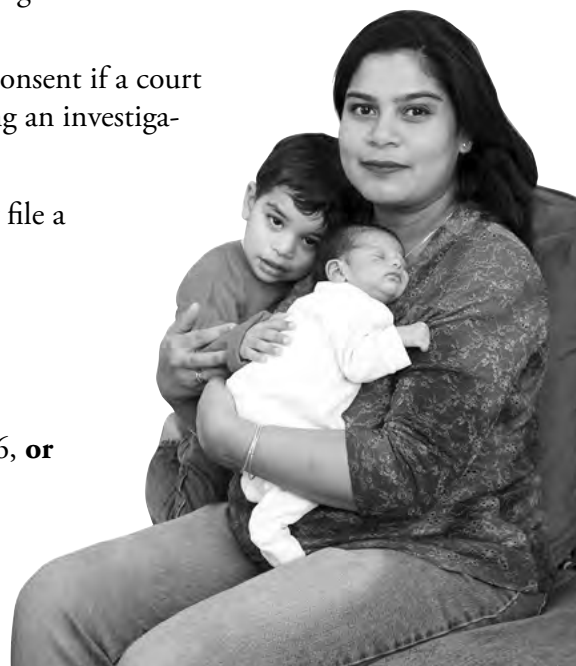
- your ECI Program, **or**
- the Health and Human Services Commission
ECI Director
Early Childhood Intervention
1100 West 49th Street, 4th Floor, MC3029, Austin, Texas 78756, **or**
- the Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW, Washington, DC 20202

*eligibility

Requirements your child must meet in order to receive early intervention services from a Texas ECI program.

*transition

When your child leaves a local ECI program. All children must leave ECI by their 3rd birthday, or when no longer eligible.



Accessing your child's records

You have rights about your child's records that come from two federal laws: IDEA and the Family Educational Rights and Privacy Act (FERPA). These laws say that you can:

- Expect ECI to keep your personal information confidential.
- Inspect or review ECI records about your child and family.
- Give someone else permission to review these records for you.
- Request a copy of your ECI record.
- Refuse to give permission to release your records to others outside of ECI.
- Ask for explanations of information in the records that you don't understand.
- Ask for a list of what records ECI keeps on your child and family and where they are kept.
- Ask ECI to make changes to information you think is not accurate, is misleading, or that violates your or your child's privacy.
- Ask for a hearing to challenge information in your child's records that you believe is inaccurate, misleading, or violates your or your child's privacy and that ECI has refused your request to change or remove. Your ECI program will provide you with the information on how to request a hearing to challenge information in your child's records.

If you want to look at your child's record, ask your ECI program. The ECI program will arrange for you or your representative to inspect or review your record within 10 days after your request is made.

If you disagree with information in your child's record, you have the right to ask the ECI program to change the record. ECI will review the record and notify you of their decision within 30 days. If ECI decides to not change the record, you have the right to request a hearing to amend the record. A hearing will be conducted within 30 days of your request. You will be notified of the date, time and location of the hearing in a reasonable amount of time before the hearing to give you time to prepare. The hearing will be conducted by an unbiased individual who does not have a direct interest in the outcome of the hearing. You may, at your own expense, be assisted or represented by one

or more individuals of your choosing, including an attorney, at the hearing. You or your attorney will be able to present your evidence at the hearing. You will receive a summary of the decision, which is based on the evidence presented at the hearing, within 30 days.

Your child's records will be kept by the ECI program for 5 years after your child leaves the program. The ECI program may destroy the records any time after 5 years with or without your consent. However, they can keep a permanent record of your child's name, address and telephone number.

Note: There are some situations, such as a court order or situations in which Child Protective Services (CPS) is involved with the family, in which ECI would be required to share records or information that would otherwise be considered confidential.

Basic Rights

There are seven steps in the ECI process. As each step is described, rights that have already been explained may not be repeated.

Your basic rights, beginning when ECI first learns of your child and continuing through your child's transition out of ECI, include:

- receiving information from ECI that you can understand before making any decisions about our services;
- consenting or not consenting to services;
- receiving adequate written notice of important meetings or actions;
- accessing your child's record, and
- knowing that the information ECI has about your child and family is confidential.

If you have any questions about your rights and how they apply at any step of the process, please ask. The person assigned to be your service coordinator* is a good resource if you want more information about your rights.

*service coordinator

A person from ECI who works with your family to support your child's development and to help arrange for ECI and community services.

The Steps in ECI

This is an overview of the steps you and your child will take in an ECI program.

First Steps: Getting Started in ECI

Step 1: Referral

Step 2: First Visit

Step 3: Evaluation and Assessment

Next Steps: ECI Services

Step 4: Individualized Family Service Plan (IFSP) Meeting and Development

The IFSP must be written within 45 days of the referral to ECI.

Step 5: ECI Service Delivery Begins

Services begin within 28 days of signing the IFSP.

Step 6: Review of Your Child's Progress

Reviews occur regularly, but you can request a review of your child's progress at any time.

Future Steps: Leaving ECI

Step 7: Transition

Your child will leave ECI by his or her 3rd birthday, or when your child is developing appropriately and no longer needs ECI services. Planning for transition begins after age 2.

First Steps: Getting Started in ECI

*evaluation

A way to determine your child's eligibility by gathering information about your child's skills and abilities.

*assessment

Process used to identify your child's needs and strengths; your family's concerns, priorities, and resources; and the type and range of services needed.



Step 1: Referral

What is a referral?

A referral to ECI happens when a parent or someone else, such as a child's doctor, contacts ECI to recommend that a child be evaluated. The evaluation* determines if a child is eligible for ECI services.

Within a few days of receiving a referral, someone from your local ECI program will contact you to set up the first visit.

What are my rights once my child has been referred?

You can ask that any information from ECI be given in your native language or in the way you prefer to communicate. This can include information provided in another spoken language, in sign language, Braille, using an assistive technology device or through an interpreter provided by ECI, if necessary.

If at any time you are told something or asked to sign something you do not understand, ask ECI to explain it in a different way. Ask questions until you are sure you understand the information. Do not sign forms until you are sure you know what they mean for you and your child. ECI wants you to fully understand the information you need to plan services for your child and family.

Also, any information ECI collects about your family cannot be shared without your permission.

IMPORTANT REMINDER: All of your rights begin from the moment ECI learns about your child.



Step 2: First Visit

What happens during the first visit?

Your first visit with ECI may happen at your home, your child's day care, or somewhere else you choose. This meeting is a chance for ECI to learn more about your child and family and for you to learn more about ECI.

During the first visit, ECI staff will ask you about concerns you have for your child. They will discuss activities that are important to your family so they can plan services with those activities in mind. They may also begin the evaluation and assessment* process (described on pages 7–8).

If your child sometimes lives with another family member, such as with a parent living in another part of the state, let ECI know. If your child is eligible for ECI, he or she will be able to receive services from your local program and the ECI program in the other part of the state.

At the first visit, the staff from the ECI program will review this *ECI Parent Handbook* with you. You will be asked to sign a form that states you received the handbook and that you understand it.

You may also be asked to give written consent to allow ECI to request information from and share information with others, such as your child's doctor, child care, relatives and others who help care for your child. ECI will explain how the information will be used to plan for your child's services. Be sure to ask the ECI staff if you have questions, or if you have concerns about sharing any information.

ECI staff will also talk with you about which ECI services are provided at no cost to your family and which services may have a fee.

What is my role during the first visit?

Your role during the first visit is to give ECI important information about your child and family. ECI staff will ask questions about your family and about your child's health and development. They may also ask about important people in your family's life and what kind of help you might already be getting from them.

You do not have to answer any questions you don't want to. However, ECI staff relies on you to provide the information they need to determine the need for services for your child and family. In addition to answering their questions, you are encouraged to tell them anything about your child or family that you think is important for ECI to know. No one knows your child as well as you.

If you are not sure why you are being asked a certain question or why you need to sign a certain form, ask for more information before you answer or sign.

What are my rights during the first visit?

If someone from ECI says something or asks you to sign something you don't understand, ask them to explain it another way. You have a right to know how information about your child and family will be used. If you do not understand why ECI is asking some questions, ask them to explain why they think your answer is important.

Your right to decide what ECI services you want or don't want, and to have information presented in the way you can best understand applies during your first visit and continues throughout your time with ECI. Additionally, your right to confidentiality begins from the moment ECI learns about your child. Your right to confidentiality continues even after your child exits the program. After exiting, your child's records will be stored and then destroyed in a confidential manner.

Step 3: Evaluation and Assessment

What are Evaluation and Assessment?

Evaluation and assessment are done to determine if your child has a developmental delay, if there are other concerns with your child's development, and to determine what services are needed to help your child develop. Sometimes evaluation and assessment occurs at your first visit and sometimes it occurs at a later visit. With your consent, ECI will ask you about and look at all areas of your child's development. This will be done by administering specific tests, observing your child and asking lots of questions. You will work with a team of ECI professionals for evaluation and assessment. The evaluation, and any assessments, are done at no cost to families.

What will the staff do during evaluation and assessment?

The team will need to know about your child's vision, hearing, and physical abilities. They will talk to you about your child's nutrition and eating, interaction with others, and communication skills. They will check to see if any type of special equipment, called assistive technology, is needed to help your child move around, play, or communicate with others.

The team will use an evaluation tool called the Battelle Developmental Inventory (BDI) to see if your child qualifies for ECI with a developmental delay. If your child has a medical diagnosis or a hearing or vision impairment that qualifies him or her for ECI, the team does not have to use the BDI. The staff will ask you questions about your child and watch your child play with specific toys. In addition, the ECI team members will ask about your child and family's daily routines, activities your family and child enjoy, and other people who are important in your child's life.

This might all be done in one visit, or may be broken up into 2 or 3 visits. Sometimes vision, hearing, nutrition and assistive technology are reviewed with all the other areas, but sometimes the staff look at them separately.

If ECI has a concern about the results of the evaluation or assessments, they may recommend you get additional testing, especially in the areas of hearing, vision or nutrition. ECI can help you find a doctor or other specialist who can do the additional testing. Whether you get this additional testing is up to you.

You have the right to understand why the ECI staff want to do these evaluations or assessments for your child, how the results will be used and what will happen if the results indicate a need for further testing. Be sure you understand the process before you give your written consent.

***ECI provider (staff)**

Persons employed by or under contract to the ECI program who provide ECI services.

***IFSP (Individualized Family Service Plan)**

A written plan for your child and family's services in your ECI program.

What is my role during evaluation and assessment?

The ECI team cannot complete the evaluation and assessment without you. You know your child best!

You may be asked to answer questions and provide information about:

- your child's development,
- your concerns about your child's development,
- your child's health status,
- any problems or issues related to the pregnancy and birth of your child,
- any family history of vision or hearing problems,
- any priorities you have for your child, and
- any resources you might already have for assisting your child and family.

What are my rights during evaluation and assessment?

ECI must provide you prior written notice for your evaluation and assessment meeting. This will allow you to prepare for the evaluation and to invite anyone who you would like to attend the evaluation meeting with you. As explained at the beginning of this handbook, ECI must have the parent's written consent to do many things.

Parents must give written consent before the ECI staff can do testing on their child. You can give consent for all testing or only the tests you want your child to receive. If you do not give consent for a test, it will not be done. You will be asked to sign a form giving consent for any tests. You have a right to ask for and receive a full evaluation.

You will receive, at no cost to you, one copy of the results of each evaluation and assessment. The results of your child's evaluation and assessment will become a part of your child's records. It is important for you to know your rights regarding your child's records. As you go through ECI, you may want to review the section of the handbook about your rights regarding records (see page 4).

If your child's evaluation shows he or she is not eligible for ECI, you will be provided a notification indicating your child is ineligible for ECI services. The notice will also provide details about the steps you can take if you do not agree with this decision. More information about handling disagreements in ECI can be found on pages 13–14.

Next Steps: ECI Services

Step 4: Individualized Family Service Plan (IFSP) Meeting and Development

What is the Individualized Family Service Plan (IFSP) meeting?

The plan for services that you and the ECI staff* will develop for your child is called the Individualized Family Services Plan (IFSP*). It is "individualized" because it is developed based on the unique needs of your family and child. It is called a "family service plan" because it includes goals and activities for the family, not just your child.

The IFSP meeting is held to develop your child and family's IFSP. While you are in ECI the IFSP will be reviewed and updated whenever necessary, but at least every six months.

IFSP meetings are always at a place and time that works for you. The IFSP team includes you and at least two ECI staff from different professions. The meeting can also include anyone else you want to be there, perhaps other family members, friends, or others you think could help with planning for your child. The IFSP must be written within 45 days of your referral to ECI.

During the IFSP meeting you and the rest of the team will discuss:

- what your child is currently doing and learning,
- areas in which your child may need extra help, and
- ideas about how ECI can assist you to help your child grow and learn.

You and the rest of the team will decide:

- goals for your child and family,
- what services are needed to assist you so you can help your child grow and develop,
- how often those services will be provided, and
- who will provide the ECI services.

Your IFSP will also include:

- the name of your service coordinator,
- a summary of your child's medical history,
- a description of how your child is developing,
- a description of your child's strengths and needs,
- an explanation of how the team will measure your child's progress,
- when services will begin and end,
- ideas for helping your child and family find services you need when you leave ECI,
- information about how services are paid for, and
- a summary of services your child needs that are not provided by ECI.

Sometime before or during the IFSP meeting, you will be asked for information about what insurance you have (private and public) and about your family's income and expenses. Some families may be required to pay a monthly fee, based on a sliding fee scale, for some ECI services. You may also be asked for permission to bill some services to your private insurance. ECI will explain the family

cost share system to you and answer all of your questions. You will be asked to sign a financial agreement that says how much money, if any, you will be asked to pay each month. No one is refused services based on an inability to pay. You have specific rights related to the family cost share system. These rights are fully described in the *Paying for Early Childhood Intervention Services* booklet.

What is my role during the IFSP meeting?

You have the central role in the meeting. You are an equal member of the team that will decide what services you and your child will receive. You can invite others who know your child, like family members or friends, to the meeting. Think about what you would like to see your child doing or learning in the next 6 months or year; this will help the team with planning.

During the IFSP meeting, you will be asked for your ideas about what skills and activities your child is strong in, needs help with, enjoys or doesn't enjoy, and things you like doing together. The information you give the team will be important in planning what services will help your child and family. ECI team members will work with you to develop strategies or activities you can do to help your child grow and learn. Talking about the kinds of things you and your child do together will help your team come up with strategies that can be part of your daily activities.

What are my rights during the IFSP meeting?

Some of your most important rights apply before the meeting actually happens. ECI staff must provide prior written notice (see "Prior Written Notice" on page 2) that tells you when the IFSP meeting will take place so that you will have time to plan for it. For example, you may want to invite another family member or friend to be there, or you may want time to think about the decisions you will be making. The notice should also tell you what will be discussed and who else will be there. The notice should also remind you that you can invite other persons you would like to attend the meeting.

If the location, date or time of the meeting would keep you or any other person you may want to bring with you from attending, contact ECI and ask for another time or location.

During the meeting, you have the right to fully participate in deciding the services you need for your child and family. All decisions must be made on an individual

basis. What is best for some other child and family may not be good for your family.

ECI cannot begin providing services unless you give consent in writing. You have the right to consent for some services but not others. If ECI staff recommend some services you do not want, you can refuse those services and still receive other services you do want. You also can, at any time, decide you do not want any ECI services.

You can disagree with ECI staff about all or some of the IFSP. You do not have to sign the plan if you don't agree with it. You can file a complaint or request a hearing by following the process described on pages 13–14.

Of course, be sure you get a copy of the IFSP. ECI will give you the first copy at no cost to you.

Step 5: ECI Service Delivery Begins

What is service delivery?

Once the IFSP is written, the team is ready to begin providing the services that were planned. The planned services must begin within 28 days of the date that you signed the IFSP.

During service delivery visits, the ECI staff member will offer suggestions, discuss different strategies or plans of action, provide feedback and show you ways to work with your child. You will have time to ask questions, to practice strategies, and to talk with the service provider about which strategies are working and which are not. Your service provider will also want to hear about new things that your child is doing, any concerns you have, and any updates about your family's life that might affect your child's growth and development.

What is my role during delivery of ECI services?

All ECI services will focus on teaching you activities and strategies that you can use every day to help your child learn and develop. Your child will make progress because of the things you do with your child between ECI visits.

Lots of ECI activities will look like play, but everything your service provider teaches you is intended to help your child develop. Be sure to ask your provider to explain why the activities and strategies are being recommended.

You know your child best, so you and your provider will work together to figure out things you can do during your typical daily activities to help your child develop. During an ECI service, you and your provider will talk about what you've been doing with your child since the last visit, try some new things together, and you will have the chance to practice new techniques. Sometimes your provider might even join in with you on a typical activity with your child, like dressing or a meal to help you find ways to make it go smoother.

What are my rights during delivery of ECI services?

You gave consent for the services you are receiving when you signed the IFSP. However, you have the right to withdraw your consent for any of the services at any time. If you do withdraw your consent, ECI must stop providing that service.

Your service provider will write a progress note about each visit, and may leave copies of those notes for you to review. If you do not receive a copy at the time of the visit, you can ask for a copy at any time. A copy of all the progress notes will also be in your child's records. You can refer back to pages 4, "Accessing your child's records" if you need information about how to see your child's records, or to ask for a change to something in those records.

You have the right to disagree with the ECI program staff about your services. Let them know if the suggested strategies aren't working, or if you don't agree with how your services are being delivered.

If you can't come to an agreement with your ECI team about services, or if you feel that any of your rights have been violated, you can pursue any of the options for handling a disagreement discussed on pages 13 and 14 of this handbook. However, most disagreements or concerns about services can be resolved locally. You may want to talk to your service coordinator or the program director about your concerns.

Step 6: Review your Child's Progress

Babies and toddlers can change a lot in just a few months. They are learning how to do new things all the time. While your family is with ECI, you will be trying a lot of different things to help your child grow and learn. Therefore, it is important to regularly review your child's progress.

ECI staff must meet with you to review your child's progress at least every six months to determine whether the services and strategies on your IFSP are helping. The first review must occur six months after the IFSP is signed. Reviews can occur at other times if you or any other team members think there may be a need to change your child's IFSP.



IMPORTANT REMINDER:

All of your rights begin from the moment ECI learns about your child.

What is my role during a review?

During a review, you should let the ECI team know about:

- what is and is not working for your child and family,
- strategies you have used to help your child and how they have worked,
- any changes you have seen in your child's health and development,
- any changes in your family that may be affecting your child, and
- any other needs of your family that you might want ECI to help with.

ECI wants to do what works best for your child and family. Be sure to let the team know if you would like any changes in your ECI services, or assistance in obtaining services from other agencies or programs in your community.

What are my rights during a review?

Your rights during any review of the IFSP are the same as those at the first IFSP meeting. This includes your right to prior written notice of the meeting as well as of any changes to the IFSP that ECI proposes or refuses to make.

***transition**

When your child leaves a local ECI program. All children must leave ECI by their 3rd birthday, or when no longer eligible.

Future Steps: Leaving ECI

Step 7: Leaving ECI (Transition)

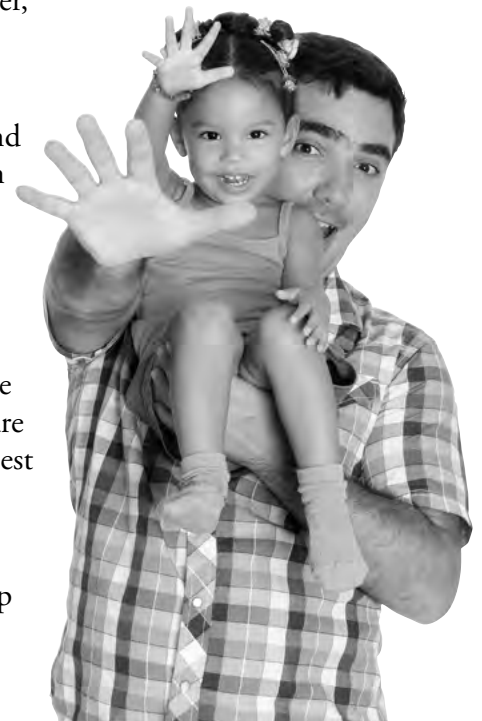
What is transition?

All children must leave ECI by their 3rd birthday. Some children – who no longer have a developmental delay – may be ready to leave earlier, while others stay in ECI until they are 3. Some children may not need any more services after ECI. However, many children will continue to need some extra help after their 3rd birthday.

Transition* is the process to help you decide what your child and family might need when you leave ECI. Because this is such an important step for your child and family, ECI will begin working with you to plan transition strategies far enough in advance so that the change will happen smoothly and without a gap in services.

Planning for your child's transition from ECI begins after your child is 2. Three to nine months may seem like a long time to plan, but you may have several options to explore. For example, you may want to learn about the differences in services between a preschool program at the local school district, Head Start, a private preschool, and therapy services in your home or a clinic. If these are options you are considering, you may need time to visit all these settings before deciding what is best for your child. Transition options address your child's medical and social needs, in addition to educational and developmental needs.

You and your service coordinator will write up the transition strategies you develop together. A copy will go into your child's records.



***advocate**

Someone who supports or defends your child's interests and rights.

***Beyond ECI**

A booklet developed by ECI in collaboration with the Texas Education Agency (TEA), the state agency that oversees the Texas public school system, that provides information for families with children transitioning out of ECI. You should receive this booklet when you begin the transition process. If you do not receive this booklet from your local ECI program, ask your service coordinator to bring you one.

At least 90 days before your child's 3rd birthday, your service coordinator will offer to set up transition meetings with the programs or community services you are considering for your child. This does not mean you have to enroll in those programs. It is an opportunity to learn more about what they can offer, how they determine who is eligible for their services, and what will happen next if you decide to refer your child. Some providers meet with families individually and others conduct meetings with several parents at a time.

Once you have decided on the programs or services you want to pursue, ECI will make referrals to them. With your consent, ECI will send them information about your child. Once another program receives the referral, they will contact you to let you know the next steps. This could include meetings to evaluate your child for eligibility or to plan what services your child would receive. Someone from ECI who knows your child can attend these meetings with you if you invite them. Even after a referral is made, you can change your mind at any time and decide not to enroll your child.

What is my role during transition?

You are the most important person during transition because you are making decisions about what happens to your child and family when ECI services end. For ECI to help you in planning for the future, you need to share with them your hopes, priorities and concerns about your child's future. As you talk about different options, be sure to ask questions so you will have the information you need to make good decisions.

While in ECI, your service coordinator and other ECI staff have been available to help you find and get additional services for your child and family. Other programs may not offer this type of support for families. You can be your own service coordinator and advocate*. However, if you think you will need help with finding services and support for your child or family, ask your service coordinator to help you find another source of assistance, such as a family support or advocacy organization in your community.

You may want to keep any information ECI gives you about community services and resources during the transition process in case you need that information after leaving ECI. Another helpful tool you will receive during transition is the booklet about transition entitled *Beyond ECI**.

What are my rights during transition?

ECI will ask for your permission to share your child's information with other programs you may be interested in. Also, you will receive prior written notice of transition meetings or conferences. The decision about which, if any, programs or services you want to pursue for your child is yours. You also can decide you do not want any services after your child turns 3.

ECI may send the local school district your child's information close to your child's third birthday without your written parental consent. ECI will notify you of what information will be sent to the local school district, when it will be sent, and at that time, you have the right to inform ECI in writing that you do not want your child's information sent to the local school district. If you inform ECI that you do not want your child's information sent, ECI will not share your child's information with the local school district.

Your decision not to seek further services is not a permanent one. As the parent, you can always arrange for services yourself later. For example, if you choose not to refer your child to the local school district for special education services at age 3, you have the right to change your mind. After leaving ECI, you can contact the local school district at any time and ask that your child be evaluated for eligibility for special education.

Resolving Disagreements

The following explains how you can pursue a complaint or disagreement with ECI. This process can be used at any time you and the ECI team working with your family can't agree. It is also available to you if you are not satisfied about some experience you had in ECI that you think violated your rights.

You have a right to have your disagreement addressed by filing a complaint with HHSC ECI. You also have the right to request mediation or an administrative due process hearing. These are important rights and ones you have throughout your time in ECI. Refer back to this section of the handbook at any time to review the process for resolving disputes. In addition, your ECI provider can explain the process to you.

Following are the procedures available for resolving complaints or disagreements about ECI.

Resolving Problems Locally

Most disagreements between families and ECI programs can be resolved locally without going through the formal complaint process. Suggestions for resolving problems or concerns locally include:

- contacting the program director of your local ECI provider to discuss your concerns and ask them for a resolution, or
- calling the HHS Office of the Ombudsman at 1-877-787-8999 to ask to speak with someone at the ECI State Office who will help resolve a problem or concern locally.

Filing a Complaint with HHSC

If you are unable or do not want to resolve the issue locally, you have the right to file a complaint with HHSC ECI. You can file a complaint about an issue involving your child, or about any aspect of the ECI system that you believe violates legal requirements.

The complaint must be in writing and include:

- a statement describing the complaint,
- the facts on which the statement is based,
- the signature and contact information of the person filing the complaint,
- if the complaint involves a specific child:
 - the name and address of the child,
 - the name of the ECI program serving the child,
 - a description of the problem, and
 - a proposed resolution of the problem.

Send a letter, fax, or email of the written and signed complaint to the HHSC ECI office to request an investigation. State the facts on which your complaint is based. You do not have to complain to your early intervention services program before filing a complaint with HHSC ECI. However, a copy of your complaint will be provided to them. HHSC ECI must resolve the complaint within 60 days from the time they receive it. Their findings and decision will be sent to you in writing.

Mediation

When HHSC ECI receives your complaint, they will contact you to offer mediation services. If you choose to try mediation, ECI will assign a neutral mediator (at ECI's expense) to see if they can resolve the problem between you and your ECI program. Both you and the program will have to agree to use mediation. It is your choice whether to accept the offer of mediation or to proceed with your complaint.

You can request mediation without first filing a complaint or an administrative due process hearing. However, you still need to provide a written statement of the issues you want resolved. Contact the HHSC ECI office to make your request for mediation.

The request for mediation must:

- be in writing and signed by the requesting party,
- state the dispute to be mediated and specify if the matter concerns a particular child or concerns a potential or actual violation of legal requirements,
- name the opposing party and include their signature if they also agree to mediation,
- contact information for all parties if known, and
- show if a request for mediation has been tried with all parties.

If you and the program come to an agreement through mediation, the mediator will help you and the program put the agreement in writing. A copy of the written agreement will be given to both you and the program. Mediation agreements are confidential.

Administrative Due Process Hearing

You have the right to ask for an administrative due process hearing conducted by a hearing officer if you disagree with decisions made by your ECI team. Your request must be in writing. This includes decisions about eligibility, evaluation and/or services. You can, but are not required to, ask for a hearing after trying one or more of the previous methods first (resolving problems locally, filing a complaint, mediation).

An administrative hearing is a more formal process than either filing a complaint or mediation. Though you are not required to have an attorney, some parents choose to hire one because the hearing process uses legal procedures most parents are not familiar with. If you hire an attorney, it is at your expense. You can

also be represented or accompanied by someone who is not an attorney, but who has knowledge and training in early childhood intervention services. You have the right to present evidence and confront, cross-examine, and compel the attendance of witnesses. You have the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to you at least five days before the hearing. You have the right to obtain a written electronic verbatim transcription of the hearing at no cost to you. You have the right to receive a written copy of the findings and decisions at no cost to you.

The hearing will take place at a time and place that is reasonably convenient to you. The hearing officer makes a decision within 30 days from the date a request for a hearing is filed, or the hearing officer may grant specific extensions of time beyond the 30 days. While the hearing is in process, your child, if enrolled in ECI, may continue to receive services, including those that may be in dispute.

If you do not agree with the findings and decisions issued from the due process hearing, you have the right to bring civil action in state or federal court.

To file a complaint with HHSC ECI, to request mediation, or to request an administrative due process hearing, send your request or complaint by mail or fax to:

ECI Director
Health and Human Services
Early Childhood Intervention
1100 West 49th Street, 4th Floor
MC3029
Austin, TX 78756
Fax: 1-512-776-4340

OR

Call the HHS Office of the Ombudsman toll-free at 1-877-787-8999 for help with inquiries or complaints about ECI. You can also submit your request online at <http://txheart.dhs.state.tx.us/heartwebextr/hhscOmd>

IMPORTANT REMINDER:

All of your rights begin from the moment ECI learns about your child.



More Information About Your Rights

Right to Confidentiality

Legal Reference

40 TAC §108.233. Release of Personally Identifiable Information.

40 TAC §108.235. Safeguards.

40 TAC §108.241. Release of Records.

You have the right to have all of your information kept confidential. ECI will request your written consent before releasing information. If ECI requests your written permission to release your confidential information, you have the right to:

- not give consent;
- revoke your consent at any time if you initially give consent;
- limit the specific information released;
- limit the individuals, agencies, or providers to whom information is released; and
- not have your information released if you choose not to give consent.

ECI may release certain information without your prior written consent:

- to another ECI program if you move to another area;
- to the Texas Department of Family and Protective Services; and
- to a federal or state agency for auditing or oversight of the ECI program.

ECI sends specific information to the local school district and to the Texas Education Agency (TEA). If you choose not to allow ECI to send your information to the local school district and TEA, you can ask in writing that your information not be sent.

If you believe your confidentiality rights have been violated, you may file a written complaint with the:

- local ECI program;
- Texas Health and Human Services Commission; or
- Family Policy Compliance Office,
U.S. Department of Education.

Right to Access and Amend Your Record

Legal Reference

40 TAC §108.221. Access Rights.

40 TAC §108.225. Amendment of Records at Parent's Request.

40 TAC §108.227. Opportunity for a Hearing.

40 TAC §108.229. Minimum Requirements for Conducting a Hearing.

40 TAC §108.231. Results of Hearing.

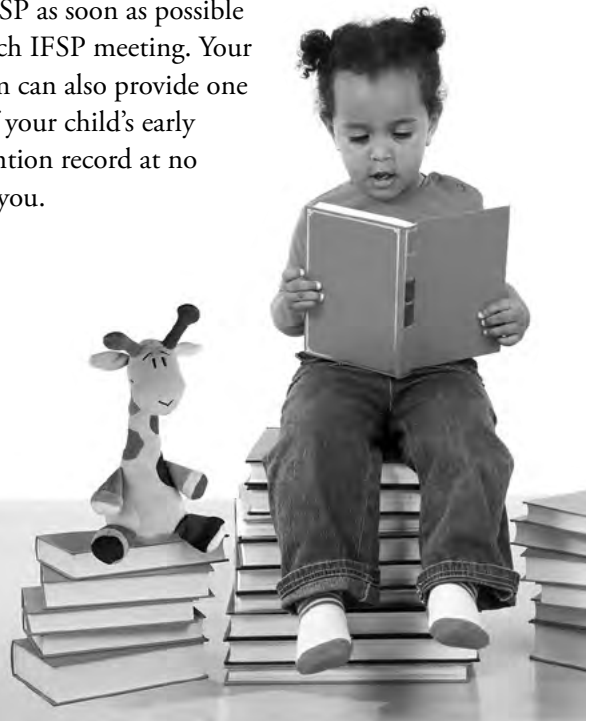
§303.400 General responsibility of lead agency for procedural safeguards.

§303.409 Fees for records.

You have the right to review and request a copy of your ECI record. Your right to access your record also includes the right to receive a response to reasonable requests for explanations or interpretations of your record.

You have the right to ask ECI to amend your ECI record if you believe information is inaccurate, misleading, or violates your rights. If ECI disagrees with amending the record, you have the right to a hearing to amend your record. If the hearing does not end in a decision to amend your ECI record, you have the right to add a statement to your ECI record explaining your reason for disagreeing with the information in question.

Your ECI program must provide at no cost to you, a copy of the results of each evaluation and assessment of your child, your family assessment, and your IFSP as soon as possible after each IFSP meeting. Your program can also provide one copy of your child's early intervention record at no cost to you.



Right to Informed Parental Consent

Legal Reference

40 TAC 108.206. Written Parental Consent.

40 TAC §108.207. Parental Consent.

You have the right to decide whether to give your written permission for any action that may affect your child. Written parental consent is documentation that you have been informed of and agree to the proposed action, including before ECI:

- conducts screenings used to determine a suspected delay or disability;
- conducts evaluations to determine eligibility;
- conducts assessments to determine child and family needs;
- initiates or changes the type, intensity, or frequency of your child's services;
- uses insurance to pay for your child's services; and
- releases your personal information.

You have the right to accept or decline some or all early intervention services at any time. Your decision to refuse some services will not impact your ability to receive other services for which you give consent. You have the right to withdraw consent at any time. ECI will immediately stop any action for which you withdraw consent.

Right to Prior Written Notice

Legal Reference

40 TAC §108.204. Prior Written Notice.

40 TAC §108.205. Prior Written Notice and Procedural Safeguards Notice.

You have the right to receive adequate notice of meetings and activities regarding you and your child. The notice will be written in understandable language, and it will be written in your native language, when feasible. You have the right to receive prior written notice before the ECI program:

- holds meetings;
- conducts screenings;
- begins or discontinues proposed actions; and
- determines that your child is not eligible.



Right to Dispute Resolution

Legal Reference

40 TAC §108.215. Early Childhood Intervention Procedures for Filing Complaints.

40 TAC §108.217. Investigations and Resolution of Complaints.

40 TAC §108.218. Mediation.

40 TAC §101.947. Mediation Procedures.

40 TAC §101.1101. Purpose.

40 TAC §101.1107. Administrative Hearings Concerning Individual Child Rights.

40 TAC §101.111. Appeal of Final Decision.

40 TAC §101.113. Computation of Time.

You have the right to disagree with actions taken by the local ECI program. This includes the right to:

- request a review by the manager or program director of the local ECI program;
- file an informal or formal complaint with the local ECI program;
- contact the HHS Office of the Ombudsman at 1-877-787-8999 for help resolving a problem or concern with the local ECI program;
- file an informal or formal complaint with the Texas Health and Human Services Commission;
- participate in mediation;
- participate in a due process hearing; or
- bring a civil action in State or Federal court under §639(a) (1) of the IDEA.

Your local ECI program and the Texas Health and Human Services Commission are here to support you and answer any questions you may have regarding your rights. More information can be found at:

United States Code, Title 20, Chapter 33, Education of Individuals with Disabilities Education Act, Subchapter III Infants and Toddlers with Disabilities, Section 1439, Procedural Safeguards

Code of Federal Regulations, Title 34, Part 303, Early Intervention Program for Infants and Toddlers with Disabilities, Subpart E Procedural Safeguards

United States Code, Title 20, Chapter 31, General Requirements and Conditions Concerning Operation and Administration of Education Programs: General Authority of Secretary, Part 4, Records; Privacy; Limitation on Withholding Federal Funds, Section 1232(g) Family Educational Rights and Privacy Act of 1974

Code of Federal Regulations, Title 34, Part 99, Family Educational Rights and Privacy

Texas Administrative Code, Title 40, Chapter 108, Division for Early Childhood Intervention Services, Subchapter B Safeguards and Due Process Procedures

Texas Administrative Code, Title 40 Chapter 101, Subchapter J, Appeals and Hearing Procedures, Division 3, Division for Early Childhood Intervention Program for Infants and Toddlers with Disabilities

Determination of Parent or Surrogate Parent

HHSC ECI defines “parent” as the term is defined in 20 U.S.C. 1401(23):

- a natural, adoptive or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent);
- a guardian (but not the State if the child is a ward of the State);
- an individual acting in the place of a natural or adoptive parent (including a grandparent, step-parent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare.

Review the definition above, and then check one of the boxes below, as appropriate:

- 1. Parent/Guardian has been identified - (No further action required)
- 2. A parent cannot be identified
- 3. Efforts to locate parent have been unsuccessful
- 4. Child is a ward of the state (no foster parent has been appointed)

If #2, #3 or #4 is checked, STOP and COMPLETE the HHSC ECI Surrogate Parent form before proceeding with review of the handbook.

Acknowledgment of Receipt of ECI Parent Handbook

After this handbook is reviewed with you, read and sign the following:

I have received a copy of my ECI *Parent Handbook*. It informs me of my rights and my child’s rights while enrolled in a Texas program funded by HHSC Early Childhood Intervention. I understand that I have the right to:

- Participate
- Have my child evaluated
- Give consent, or permission
- A plan for services within 45 days of referral
- Prior written notice of IFSP meetings and evaluations
- Understand
- Confidentiality
- Review records
- Disagree
- Receive ECI screenings, assessment, evaluation, IFSP development, and case management at no cost to my family

My signature indicates I have received my ECI *Parent Handbook* and understand its contents.

Signature of Parent, Surrogate or Guardian _____ Date _____

Staff Signature _____ Date _____





Information and Resources

Where can I get more information about my rights?

This handbook summarized your rights. If you want to see the full laws, regulations and rules that regulate ECI, visit hhs.texas.gov/doing-business-hhs/provider-portals/assistive-services-providers/eci-compliance-guide

Watch our *Parent to Parent: Knowing Your Rights* video. It's an 11-minute video that provides an overview of some of your rights, including: consent, prior written notice, and confidentiality.

Where can I get more information about other resources available to me?

ECI Resource Guide

hhs.texas.gov/services/disability/early-childhood-intervention-services/eci-resource-guidecentral-directory

ECI Library Collection

hhs.texas.gov/services/disability/early-childhood-intervention-services/eci-library-collection

ECI Library Matters

hhs.texas.gov/services/disability/early-childhood-intervention-services/eci-library-collection

Parent Companion Web site

parentcompanion.org

Texas 2-1-1 Area Information Centers

211texas.org



ECI is a program of Texas Health and Human Services Commission, which contracts with local agencies to provide services in every Texas county.

To find your community ECI program, visit citysearch.hhsc.state.tx.us or call the HHS Office of the Ombudsman at 877-787-8999.

If you are a person who is deaf or hard of hearing, use the relay option of your choice.



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Health and Human
Services

*Early Childhood
Intervention*

hhs.texas.gov/eci