

**ALABAMA BOARD OF REHABILITATION SERVICES
EARLY INTERVENTION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Rehabilitation Services

RULE NO. & TITLE : Repeal Rule No. 795-3-1-.06 Forms Appendix.

INTENDED ACTION: The ALABAMA BOARD OF REHABILITATION SERVICES proposes to repeal rules and regulations.

SUBSTANCE OF PROPOSED ACTION: The repeal of this rule is authorized under the authority of ALA. CODE 1975 §21-9-1 *et seq.*, and the Alabama Board of Rehabilitation Services wishes to amend this rule so as to come in compliance with requirements for the program. This repealed rule and regulation is issued under the authority of ALA.CODE 1975 §21-9-1 *et seq.* This rule covers forms that are no longer used by the program.

Copies of the proposed repealed rule are available for inspection in the offices of the Board, 602 South Lawrence Street, Montgomery, Alabama 36104. Upon reasonable notice, persons requiring accommodation may obtain copies in large print, Braille or other media.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit written comments, and if requested in advance may personally appear before the Alabama Board of Rehabilitation Services by submitting a request to appear, to:

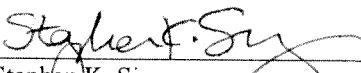
Stephen K. Simpson
602 South Lawrence Street
Montgomery, Alabama 36104
Telephone: (334) 293-7187

To be considered by the Board, written comments must be received in the office of the Board no later than two days before the next regularly scheduled Board meeting on June 8, 2012, to wit: not later than June 6, 2012. Persons desiring to orally express their views before the Board must first submit their comments in writing as stated above, and shall be limited to ten minutes per person.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: June 6, 2012.

CONTACT PERSON AT AGENCY:

Stephen K. Simpson
602 South Lawrence Street
Montgomery, Alabama 36104
Telephone: (334) 293-7187



Stephen K. Simpson
Alabama Board of Rehabilitation Services

ALABAMA DEPARTMENT OF REHABILITATION
SERVICES
EARLY INTERVENTION

CHAPTER 795-3-1
EARLY INTERVENTION PROGRAM

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795-3-1-.06 Forms Appendix.

(a) Early Intervention Procedural Safeguard Forms

| | |
|--|---------|
| Early Intervention Permission for the Release of Information/Records | EI 91-1 |
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Author: Alabama Board of Rehabilitation Services

Statutory Authority: 20 U.S.C. §1431, et seq., 34 C.F.R. §301.1 et seq., and ALA. CODE 1975 §21-9-9.

History: Adopted by Reference in Alabama Administrative Code Rule 795-3-1-.01
Emergency adoption filed January 17, 1995; effective January 18, 1995. Permanent adoption filed April 13, 1995; effective May 18, 1995. Amendment filed July 25, 1995; effective August 29, 1995. Amendment filed November 18, 1997; effective March 17, 1998. Amendment filed May 20, 1998; effective August 26, 1998; Permanent Amendment filed May 19, 2000. Permanent Amendment adoption filed July 14, 2000; effective August 18, 2000; Amendment: filed February 11, 2011; effective May 27, 2011; Repeal filed April 20, 2012.

**Early Intervention
Permission for the Release of Information/Records**

Child's Name: _____

Child's Address: _____

Date of Birth: _____

Child's Social Security Number: _____

Parent/Guardian/Surrogate Parent Name: _____

I give my permission for the following individual or agency to release information about my child and/or family for Early Intervention evaluation, assessment, or services. I know this information will be private and will be used to provide Early Intervention Services. I also know my permission is voluntary and at any time can be refused to any individual or agency listed.

The individual or agency allowed to release information is:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

The information should be sent to:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

The following written, verbal or audio/video information may be released:

- | | |
|---|--|
| <input type="checkbox"/> Developmental Testing/Report | <input type="checkbox"/> Social/Developmental History |
| <input type="checkbox"/> Health/Medical Records | <input type="checkbox"/> Speech/Language Testing/Reports |
| <input type="checkbox"/> Progress Reports | <input type="checkbox"/> Staffing Reports, IFSP's |
| <input type="checkbox"/> Psychological Testing/Record | <input type="checkbox"/> Therapy/Testing Reports |
| <input type="checkbox"/> Screening/Intake Information | <input type="checkbox"/> Vision/Hearing Reports |

The above information will not be released to any other individual or agency except to the one listed above without prior written permission by the parent or legal guardian. Photocopies of this release form will be considered as an original.

This signed release form will be effective for _____ 90 days _____ 6 months _____ 1 year

Signature: _____ Parent/Guardian/Surrogate Parent

_____ Witness

Date Signed: _____

Expiration Date: _____

EI 91-1

(Revised: 8/26/98)

PERMISSION TO EVALUATE

Parent/
Guardian/
Surrogate Parent:

Title (e.g. Mr., Mrs.) First Middle Last Name Suffix (Jr., III)

Mailing
Address:

Street/Apartment No./P.O. Box/Route and Box

City State Zip Code + 4

Based on your interest in early intervention services, your child,

(Name of Child) First Middle Last Name Suffix Nickname

has been referred to be evaluated for eligibility for early intervention services.

We would like permission to evaluate your child's level of functioning in the following areas:

- Cognitive Development
- Physical Development (including vision and hearing)
- Communication Development
- Social or Emotional Development
- Adaptive Development

To arrange a conference to discuss the evaluation procedures and/or to see the records of the evaluation results, please contact _____, at _____, Monday - Friday.

Please check one:

- I give permission for my child to be evaluated.
- I do not give permission for my child to be evaluated.

Signature of Parent/Guardian/Surrogate Parent

Date

Attachment: Early Intervention Child and Parent Rights

pc: Multidisciplinary Evaluation Team

EI 91-2

(Revised: 8/26/98)

Date: _____

**REQUEST FOR PARENT TO ATTEND
INDIVIDUALIZED FAMILY SERVICE PLAN MEETING**

Parent/
Guardian/
Surrogate Parent: _____

Mailing Address: _____

Dear Parent/Guardian/Surrogate Parent:

You are invited to a meeting to plan and/or revise the individualized family service plan (IFSP) for your child, _____. I encourage you to bring other people whom you feel will be helpful in planning your child's early intervention program.

The IFSP Meeting will be held:

DAY: _____

TIME: _____

LOCATION: _____

The name and/or title of individuals who may be present at the meeting are:

If you are unable to meet at the scheduled day, time, or location please call me at _____ I look forward to seeing you.

Sincerely,

Enclosure: Early Intervention Child and Parent Rights
cc: IFSP Team

EI 91-3
(Revised: 8/26/98)

NOTICE THAT INFANT/TODDLER IS
INELIGIBLE FOR EARLY INTERVENTION SERVICES

Parent/
Guardian/
Surrogate Parent:

| Title (e.g. Mr., Mrs.) | First | Middle | Last Name (Family Name) | Suffix (Jr., III) | Nickname |
|------------------------|-------|--------|-------------------------|-------------------|----------|
| _____ | _____ | _____ | _____ | _____ | _____ |

Mailing
Address:

Street/Apartment No./P.O. Box/Route and Box

| City | State | Zip Code + 4 |
|-------|-------|--------------|
| _____ | _____ | _____ |

Date: _____

Dear Parent/Guardian/Surrogate Parent:

The multidisciplinary evaluation team has reviewed the evaluation results for the appropriateness of your child's participation in the early intervention program under the Individuals With Disabilities Education Act. It has been determined that your child,

| First | Middle | Last Name (Family Name) | Suffix (Jr., III) | Nickname |
|-------|--------|-------------------------|-------------------|----------|
| _____ | _____ | _____ | _____ | _____ |

is not eligible for early intervention services.

Evaluation procedures, tests, records and/or other reports that were reviewed prior to making this decision are as follows:

The basis for the decision is as follows:

To arrange a conference to discuss the evaluation results, contact me, at _____ Monday - Friday.

Sincerely,

Enclosure: Early Intervention Child and Parents Rights

EI 91-4

(Revised: 8/26/98)

NOTICE OF INTENT REGARDING EARLY INTERVENTION

Parent/
Guardian/
Surrogate Parent:

| Title (e.g. First Mr., Mrs.) | Middle | Last Name (Family Name) | Suffix (Jr., III) | Nickname |
|---------------------------------|--------|----------------------------|----------------------|----------|
|---------------------------------|--------|----------------------------|----------------------|----------|

Mailing
Address:

| | | |
|---|-------|--------------|
| Street/Apartment No./P.O. Box/Route and Box | | |
| City | State | Zip Code + 4 |

Date: _____

Dear _____

This is to notify you that action is being

_____ proposed
 _____ refused

for your child, _____

The action(s) and reason(s) for the actions(s) are as follows:

If you would like to discuss this action, please call me, at _____ Monday - Friday. You have a right to appeal this decision. Please refer to the enclosed Early Intervention Child and Parent Rights form which explains your appeal rights. If I do not hear from you the action will occur on _____. If you believe that this action violates a requirement of the Individuals with Disabilities Education Act you may send a signed written complaint that states this and the facts on which the complaint is based to the Commissioner Alabama Department of Rehabilitation Services, Division of Early Intervention, P.O. Box 11586, Montgomery, Alabama, 36111-0586. Any such complaint will be investigated and a written decision shall be issued within 60 days of receipt of the complaint.

Sincerely,

Enclosure: Early Intervention Child and Parent Rights
pc: IFSP Team

EI 91-5

(Revised: 8/26/98)

RECORD OF ACCESS TO INFANT/TODDLER RECORDS

Infant/Toddler's Name: _____

Early Intervention policies and procedures provide safeguards to protect the individual confidentiality of infant/toddler records. The following categories of persons are authorized to review any personally identifiable data related to of the Individuals with Disabilities Education Act:

Categories of Persons Authorized to Review Records

- 1. Parent/Guardian
- 2. Surrogate Parent
- 3. Alabama Department of Rehabilitation Services State Staff
- 4. Other Appropriate State Agency Staff
- 5. Service Provider(s)
- 6. U.S. Department of Education Staff

| Print Name of Person Reviewing Record | Cat 1-6 | Reason for Review | Date of Review | Signature of Reviewer |
|--|------------|----------------------|-------------------|--------------------------|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |
| 7. | | | | |
| 8. | | | | |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. | | | | |
| 13. | | | | |
| 14. | | | | |

EI 91-6
(Revised: 8/26/98)

EARLY INTERVENTION CHILD AND PARENT RIGHTS

Federal law creates specific rights for eligible children and responsibilities of parents to protect those rights. The following is an explanation of those rights and the procedural safeguards available to ensure that direct service providers and parents understand their rights under the law. If you would like further explanation of any of these rights, you may contact your direct service provider or the Alabama Department of Rehabilitation Services, Division of Early Intervention, P.O. Box 4280, Montgomery, Alabama 36103-4280, [Street Address: 602 South Lawrence Street, Montgomery, Alabama 36104], Telephone Number: (334) 293-7500.

RECORDS 1) Right to inspect and review any records relating to evaluations and assessments, eligibility determinations, development and implementation of individualized family service plan, individual complaints dealing with the child, and any other area under the Individuals with Disabilities Education Act, involving records about the child and the child's family, which are collected, maintained, or used by the direct service provider, for the provision of early intervention services. The direct service provider shall comply with a request to inspect and review without unnecessary delay and before any meeting regarding an individualized family service plan or hearing but in no case more than 45 days after the request has been made; 2) Right to request that the direct service provider provide copies of those records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; 3) Right to have a representative of the parent review and inspect the records; 4) Right to inspect and review records relating to the child unless the direct service provider has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce; 5) Right to inspect and review only the information relating to the child or to be informed of that specific information when records contain information on more than one child; 6) Right of a direct service provider to charge a fee for copies of records which are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records; the direct service provider may not charge a fee to search and retrieve information; 7) Right to be provided upon request a list of the types and locations of records being collected, maintained, or used by the direct service provider for the provision of early intervention services. 8) Right to ask for an explanation of any item in the records; 9) Right to ask for an amendment of any record if it is found to be inaccurate, misleading or violates the privacy or other rights of the child and the right to have a response to such request provided by the direct service provider within a reasonable period of time; 10) Right to a hearing if the direct service provider refuses to make the requested amendment; 11) Right to have the information amended and be informed in writing of this amendment, if, as a result of the hearing, the direct service provider decides that the information is inaccurate, misleading, or violates the privacy or other rights of the child; 12) Right to place in the records a statement commenting on the information or setting forth any reasons for disagreeing with the decisions of the direct service provider, if the direct service provider, as a result of a hearing, decides not to amend the child's records; 13) Right to have an explanation placed in the records of the child maintained by the direct service provider as a part of the records of the child, as long as the record or contested portion is maintained by the direct service provider; and if the records of the child or the contested portion is disclosed by the direct service provider to any party, the explanation must also be disclosed; 14) Right to release records to direct service providers as needed for the evaluation and assessment and/or provision of early intervention services. Consent to release records shall allow a direct service provider to exchange records without further notification or consent.

NOTICE 1) Right to written notice a reasonable time before the direct service provider proposes or refuses to initiate or change the identification, evaluation, or placement of the child or the provision of appropriate early intervention services to the child and the child's family; 2) Right to have that notice in the native language of the parents at a level understandable to the general public, unless clearly not feasible; 3) If the native language or other mode of communication of the parent is not written language, the direct service provider shall take steps to ensure that the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication, the parent understands the notice, and written evidence of compliance with these requirements exists; 4) If a parent is deaf or blind, or has no written language, the mode of communication must be that normally used by the parent; 5) Right to have the notice describe the proposed action, explain why it is proposed, and all procedural safeguards that are available under the Individuals with Disabilities Education Act.

CONSENT 1) Right to give consent before the initial evaluation and assessment of a child and before initiating the provision of early intervention services. Consent must be in writing; 2) If consent is not given, the direct service provider shall make reasonable efforts to ensure that the parent is fully aware of the nature of the evaluation and assessment or the services that would be available and understands that the child will be unable to receive the evaluation and assessment or services unless consent is given; 3) The parent understands that the granting of consent is voluntary and may be revoked at any time; 4) The parent may determine whether they, their child, or other family members will accept or decline any early intervention service in accordance with State law, and may decline such a service after first accepting it, without jeopardizing other early intervention services.

CONFIDENTIALITY OF INFORMATION 1) Right to restrict access to the child's records by withholding consent to disclose records for purposes unrelated to the provision of early intervention services; 2) Right to be informed before information in the child's file is to be destroyed; 3) Right to be told to whom information has been disclosed.

ADMINISTRATIVE RESOLUTION OF INDIVIDUAL CHILD COMPLAINT(S) 1) Right to request an impartial hearing to question a direct service provider's identification, evaluation, or placement of the child or to question the direct service provider's provision of appropriate early intervention services to the child and the child's family; 2) Right of any party to request mediation as an option to resolve a complaint. Mediation may not be used to delay or deny the right to an

impartial hearing; 3) Right to a resolution meeting held within fifteen (15) calendar days of a request for an impartial hearing that must be concluded within a resolution period that cannot exceed thirty (30) calendar days from the request; 4) Right to be told of any free or low-cost legal and other relevant services in the area if the parent requests the information or the parent initiates a hearing; 5) Right to have the hearing conducted by a person not employed by a direct service provider involved in the provision of early intervention services or care of the child or otherwise having a personal or professional interest that would conflict with his or her objectivity; 6) Right to be advised and accompanied at the hearing by counsel and to be accompanied by individuals with special knowledge or training with respect to early intervention services for children; 7) Right to have the child present; 8) Right to have the hearing open to the public; 9) Right to present evidence and confront, cross-examine and compel the attendance of witnesses; 10) Right of any party to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five (5) business days before the hearing; 11) Right to have a written or electronic transcription of the hearing; 12) Right to obtain written findings of fact and written decision within forty-five (45) calendar days after the lead agency receives a complete complaint from the parent and a resolution period ends; 13) Right of any party to request an extension of time beyond the time frame set in number 11; 14) Right to file a civil action in accordance with time limits established by the federal or state court in which civil action is filed; 15) Right of the child, during the pendency of any proceeding involving a complaint, unless the direct service provider and parents otherwise agree, to continue to receive the appropriate early intervention services currently being provided; 16) Right, if the complaint involves an application for initial services, with the consent of the parents, to have the child receive those services that are not in dispute.

EVALUATION AND ASSESSMENT 1) Right to an evaluation and assessment of the child as provided by this program; 2) Right to have the evaluation and initial assessment of the child completed within 45 days after receipt of a complete and timely referral. If exceptional circumstances occur which prevent the completion of the evaluation and assessment within 45 days, the direct service provider will document the circumstances and develop and implement an interim individualized family service plan to the extent appropriate and consistent with the provisions of the Individuals with Disabilities Education Act.

INDIVIDUALIZED FAMILY SERVICE PLANS (IFSP) 1) Right to attend the meeting to develop an initial individualized family service plan and the meetings to evaluate current individualized family service plans; 2) Right to have other family members present if feasible; 3) Right to have an advocate or person outside of the family present; 4) Right to have the service coordinator, person or persons directly involved in conducting the evaluations and assessments, and as appropriate, persons who will be providing services to the child or family shall be present; 5) The right, if any of the above individuals are unable to participate, to involve their participation through a telephone conference call, having a knowledgeable authorized representative attend the meeting, or making pertinent records available at the meeting; 6) Right to have an initial individualized family service plan meeting conducted within 45 days of a timely and complete referral; 7) The right to a review of the individualized family service plan for a child and the child's family to be conducted every six months, or more frequently if conditions warrant, or if the family requests such a review; 8) The right to a meeting conducted on at least an annual basis to evaluate the individualized family service plan for a child and the child's family, and, as appropriate, to revise its provisions; 9) The right to have an individualized family service plan meeting conducted in a setting and at a time that is convenient to the family, in the native language of the family or other mode of communication used by the family, unless it is clearly infeasible to do so. The right of the family and other participants to receive written notice of the meeting arrangements early enough to ensure them an opportunity to attend; 10) The right of an eligible child to receive early intervention services before completion of the evaluation and assessment if parental consent is obtained, an interim individualized family service plan is developed, and the early intervention services have been determined to be needed immediately by the child and the child's family.

SURROGATE PARENT(S) 1) The lead agency shall ensure that the rights of children eligible under the Individuals with Disabilities Education Act are protected when no parent can be identified, when any direct service provider, after reasonable efforts, cannot discover the whereabouts of a parent, or when the child is a ward of the state; 2) The duty of the lead agency or other direct service provider includes the assignment of an individual to act as a surrogate for the parent. This must include a method for determining whether a child needs a surrogate parent, and assigning a surrogate parent to the child; 3) The lead agency or other direct service provider shall ensure that a person selected as a surrogate has no interest that conflicts with the interest of the child he or she represents and has knowledge and skills that ensure adequate representation of the child; 4) A person assigned as a surrogate parent may not be an employee of any State Agency or any direct service provider involved in the provision of early intervention or other services to the child or family member of the child. A person who otherwise qualifies to be a surrogate is not an employee solely because he or she is paid by a direct service provider to serve as a surrogate parent; 5) A surrogate parent may represent a child in all matters related to the evaluation and assessment of the child, development and implementation of the child's individualized family service plans, including annual evaluations and periodic reviews, the ongoing provision of early intervention services to the child, and any other rights established under the Individuals with Disabilities Education Act.

Parent Signature _____

Date _____

EI 91-7
(Revised: 4/15/2011)