

Parent Access to Records

Each participating agency must provide parents the opportunity to inspect and review any early intervention records relating to their child that are collected, maintained, or used by the agency.

Access Records

Parents are afforded the opportunity to inspect and review records (during business hours) regarding their family and child that relate to:

- Assessments, screening, eligibility determinations, development and implementation of the Individualized Family Service Plan (IFSP).
- Provision of early intervention services.
- Individual complaints concerning the family or child.
- Any other records of the Early Intervention Program involving the child and the child's family.

The local participating agency must comply with a parent's request to access records without unnecessary delay and before any meeting regarding an IFSP or hearing related to identification, evaluation, placement, or provision of services for the child and the child's family and, in no case, more than 10 calendar days after the request has been made.

The opportunity for parents to inspect and review records includes:

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

A local participating agency may presume that parents have the authority to inspect and review records relating to the child unless the agency has been advised that the parent does not have the authority under applicable state law or court order governing such matters as guardianship, separation, and divorce.

Each local participating agency shall keep a written record of parties obtaining access to records collected, obtained, or used under Part C (except access by parents and authorized 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, a parent may inspect and review only the information relating to the child, or to be informed of that specific information.

Each local participating agency shall provide parents, upon request, a list of the types and locations of records collected, maintained, or used by the agency.

Fees for Records

There is no charge to parents for the initial copy of the child's early intervention records including a copy of each evaluation, assessment, family assessment, and IFSP, as soon as possible after each IFSP meeting.

A local participating agency may charge a fee for additional copies of records which are made for parents under Part C, if the fee does not effectively prevent a parent from exercising their opportunity to inspect and review those records. However, agencies may not charge a fee to search for or to retrieve information under Part C.

There is no charge for copies of up to 99 pages. Orders of 100 pages or more will be charged at ten cents per page

Amendment of Records at Parent Request

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

Such participating agency must decide whether to amend the information in accordance with the request within a reasonable period of time after it receives the request; and

If such participating agency refuses to amend the information as requested by a parent, the parent must be informed of the refusal and be advised of the right to a hearing.

Opportunity for Hearing

The local participating agency, on request, must provide parents an opportunity for a hearing to challenge information in the child's early intervention records to ensure that it is not inaccurate, misleading, or otherwise in violation of privacy or other rights of the child or parent.

A hearing held under this section must be conducted according to the procedures under the Family Education Rights & Privacy Act (FERPA), which is found in statute at 20 U.S.C. §1232g, and in federal regulations at 34 CFR Part 99.

Results of Hearing

If, as a result of the hearing, such local participating agency 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 the parent in writing.

If, as a result of the hearing, such local participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the parent must be informed of their right to place in the records of the child, a statement commenting on the information, and setting forth any reasons for disagreeing with the decision of the local participating agency.

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

- Be maintained by the local participating agency as part of the records of the child as long as the record or contested portion (that part of the record with which the parent disagrees) is maintained by such agency; and

- If the records of the child or the contested portion are disclosed by such agency to any party, the explanation must also be disclosed to the party.