



Practice Manual

Chapter 2: Parental Rights

Missouri Department of Elementary and Secondary Education
Office of Special Education
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2 PARENTAL RIGHTS

The Individuals with Disabilities Education Act (IDEA) establishes procedural safeguards to protect the rights and interests of children and families. In First Steps, procedural safeguards are referred to as the parental rights. These rights extend from the point of referral to the First Steps early intervention program until the child's early intervention record is no longer maintained. The parental rights apply to all aspects of the early intervention process and provide a series of checks and balances to the system which are integral in ensuring a quality program for every participating family. This chapter describes educational decision makers, the Parental Rights Statement and native language.

SECTION I: EDUCATIONAL DECISION MAKER

Missouri Part C State Plan Section XVI. (34 CFR 303.400 through 303.438)

In First Steps, an educational decision maker (EDM) is the person legally capable of making informed decisions on behalf of the child. Typically, the child's EDM is the child's parent or person acting in the role of the child's parent.

A. Definition of Parent

Any person meeting the definition of parent is considered the child's EDM. A parent is defined as one of the following:

- A biological or adoptive parent of a child
- A foster parent
- A guardian authorized to act as the child's parent, or authorized to make early intervention, education, health or developmental decisions for the child
- An individual (including a relative) acting in place of a biological or adoptive parent with whom the child lives
- An educational surrogate

A parent or guardian named as a medical decision maker does not necessarily have the authority to make educational decisions. If an individual has a Power of Attorney relating to a child, then that individual is considered the EDM.

If any court proceedings are pending, a Guardian Ad Litem (GAL) may represent the child. The GAL advises the court as to the best interests of the child. A GAL is not an EDM unless a court specifically gives authority to the GAL through a court order. However, a GAL has complete rights to access all the child's educational records and information about the child, in order to advise the court.

If a child is without an EDM, then the child may need an Educational Surrogate. For more information on Educational Surrogate, see Chapter 2, Section II: The Parental Rights Statement.

➤ **Delegating EDM Responsibilities**

If a parent wants to delegate First Steps EDM responsibilities (e.g., during military leave) to another person (e.g., a grandparent), then the parent must provide a statement that authorizes the other person to serve as an EDM for the child. This statement is in the parent's own words and may be written or typed. The statement does not need to be notarized, although an original signature is required. The Service Coordinator informs the parent of what the EDM is authorized to do, such as attend Individualized Family Service Plan (IFSP) meetings, provide consent to begin early intervention services and make changes to early intervention services.

B. Child Custody Situations

The System Point of Entry (SPOE) assumes both parents are EDMs who have the right to participate in First Steps activities such as the intake visit and IFSP meetings. Both parents also receive copies of First Steps documents such as meeting notification letters, an evaluation report or IFSP.

If one parent does not give the SPOE contact information for the other parent, the SPOE continues to interact with the known parent until the other parent contacts the SPOE.

In instances of non-custodial parents, the SPOE assumes the non-custodial parent has the right to access the child's early intervention record unless legal documentation indicates differently.

If there is disagreement over who is the EDM, the SPOE gives the parents the opportunity to provide legal documentation of who has the right to make decisions in First Steps. For example, a court order may specifically designate only one of the parents as the EDM.

In situations where both parents are EDMs but do not agree on early intervention services, the Service Coordinator holds an IFSP meeting, with both parents, to develop a plan that meets the needs of the child and the parents. The Service Coordinator is required to obtain written consent from only one parent. Upon consent from one parent, the Service Coordinator proceeds with the action for which consent was obtained. The Service Coordinator provides both parents with a copy of the Notice of Action/Consent. The Service Coordinator follows this same process when one parent revokes consent for early intervention services and the other parent disagrees.

For more information on parental consent, see Chapter 2, Section II: The Parental Rights Statement.

C. Foster Parents

When a child is placed into state custody with the Missouri Department of Social Services (DSS) - Children's Division, the Children's Division maintains legal rights to the child. Foster parents, including relative/kinship care and biological family placement, maintain the rights of the EDM for all First Steps activities. Foster parents cannot refuse to share First Steps information with the Children's Division.

If the SPOE is unsure of the child's placement, the SPOE confirms the child is in the custody of Children's Division before conducting any First Steps activity with the Children's Division caseworker.

For children in the custody of Children's Division or in foster care, the SPOE is responsible for consulting with the Children's Division caseworker about the child's situation.

If a child in the custody of Children's Division does not have a designated foster parent or other EDM, the child must be assigned an Educational Surrogate by the Department of Elementary and Secondary Education (DESE) or the Educational Surrogate may be appointed by the judge handling the child's case.

The Educational Surrogate should not be confused with the assigned Children's Division caseworker. The Children's Division caseworker is responsible for the child's physical well-being and may temporarily serve as the EDM until the Educational Surrogate is assigned by DESE. Communication between the Educational Surrogate and the Children's Division caseworker is important in order for both parties to be informed of all relevant activities and commitments made on behalf of the child.

➤ Change in Foster Care Placement

If a change in foster families occurs before the child's eligibility has been determined, then the Service Coordinator must conduct an intake visit with the new foster parent to update the child's information. The Service Coordinator reviews the *Missouri First Steps System of Payments* policy (see Chapter 5 Documents) and *Parental Rights Statement* (see Chapter 2 Documents). The new foster parent must sign the *Notice of Action/Consent* (see Chapter 2 forms) before the evaluation of the child is conducted.

If eligibility has been determined, then the Service Coordinator moves forward with planning for the Initial IFSP meeting with the new foster family.

If a change in foster families occurs during the IFSP process, then early intervention services stop until the Service Coordinator schedules an IFSP meeting with the new

foster parent. This meeting should be held in person, but may be conducted via conference call if necessary.

Before scheduling the IFSP meeting, the Service Coordinator updates the Family tab in the child's electronic record, including information for EDM, primary contact and head of household. The effective date (i.e., start date) for the new foster parent is the date the child was placed with the foster family.

At the IFSP meeting, if the new foster parent did not receive copy of the System of Payments policy and Parental Rights Statement, then the Service Coordinator reviews the information with the new foster parent. The Service Coordinator also reviews the child's current plan and obtains consent from the new foster parent to initiate services. The Service Coordinator updates the following forms:

- NOA/C for initiation of services
- Consent to Use MO HealthNet/Medicaid (see Chapter 5 Forms)
- Consent to Use Private Insurance (see Chapter 5 Forms)
- Financial Information for Family Cost Participation (see Chapter 5 Forms)
- Release of Information for individuals outside of First Steps (see Chapter 2 Forms)
- Opt Out, if applicable (see Chapter 10 Forms)

After the IFSP meeting, the Service Coordinator enters the IFSP information and parental consent for services in the child's electronic record. For more information on IFSP meetings, see Chapter 6.

SECTION II: THE PARENTAL RIGHTS STATEMENT

Missouri Part C State Plan Section XVI. (34 CFR 303.400 through 303.438)

The Parental Rights Statement sets forth 10 rights to ensure a parent is informed of their rights in the decision-making process regarding early intervention services for the child. The Parental Rights Statement also addresses how to identify, address and resolve issues that may arise during the child's participation in First Steps. The Service Coordinator must ensure the parent is aware of and knows how to access their parental rights.

The Service Coordinator explains the parental rights to the parent within the context of participation in First Steps. Given the complex information in the Parental Rights Statement, the Service Coordinator must provide a verbal explanation of the parental rights to the parent along with the written document. A case note must be entered into the child's electronic record each time the Parental Rights Statement is explained to the parent.

The Service Coordinator explains the Parental Rights Statement to the parent when:

- The intake visit is conducted,
- A prior written notice is presented to a parent, and
- Preparing to exit the child and family from First Steps.

In order to help the parent understand their rights, the Service Coordinator must also understand and be able to explain each of the parental rights. The below subsections describe the 10 rights as detailed in the Parental Rights Statement.

A. Parental Rights #1 and #2: Prior Written Notice and Consent

Federal and state regulations require parents of a child in First Steps receive prior written notice a reasonable time before an agency initiates or refuses to initiate certain activities. Prior written notice informs parents of actions being considered regarding their child's participation in First Steps. In Missouri, prior written notice is referred to as *Notice of Action* (NOA) and prior written notice requiring consent is referred to as *Notice of Action/Consent* (NOA/C) (see Chapter 2 Forms).

NOAs and NOA/Cs must be provided in language understandable to the general public, and in the parent's native language or other means of communication used by the parent, unless clearly not feasible to do so. Providing proper and clearly written NOAs and NOA/Cs ensures parents are fully informed of the action and have received a copy of the Parental Rights Statement along with the NOA or NOA/C. For more information on native language, see Chapter 2, Section III: Native Language.

1. Notice of Action (NOA)

The parent is notified via a NOA when an action, that does not require parental consent, has been proposed or refused and a reason for the action.

The Service Coordinator provides a completed NOA form to the parent when:

- **Evaluation Refused by SPOE.** The SPOE refuses to proceed with the referral because there is no reason to suspect a disability or developmental delay. The SPOE provides a copy of the completed NOA, *SPOE Refuse Evaluation* letter (see Chapter 3 Letters) and the Parental Rights Statement to the parent.
- **Ineligible for First Steps Program.** The Service Coordinator has determined, through the evaluation of the child, the child is not eligible for the First Steps program. The Service Coordinator provides a copy of the completed NOA, the Developmental Assessment of Young Children - Second Edition (DAYC-2) report, *Ineligible for First Steps* letter (see Chapter 4 Letters) and the Parental Rights Statement to the parent.
- **Change in Eligibility.** After first being determined eligible, the child is later determined ineligible for the First Steps program. The Service Coordinator provides a copy of the completed NOA and the Parental Rights Statement to the parent.
- **Parent Request to Discontinue Service(s).** The parent requests to discontinue one or more services, but the parent wants to continue in the program to receive other IFSP services or no-cost services. The Service Coordinator provides a copy of the completed NOA, the *Parent Request to Discontinue Service* letter (see Chapter 6 Letters) and the Parental Rights Statement to the parent.
- **Parent Chose to Withdraw from First Steps Program.** The parent requests to end participation in the program and parent will not receive IFSP or no-cost services. The Service Coordinator provides a copy of the completed NOA, *Parent Withdraw From First Steps* letter (see Chapter 12 Letters) and the Parental Rights Statement to the parent. For more information on exiting First Steps before age three, see Chapter 12.
- **IFSP Team Refused Parent Request for Ongoing Assessment or Service.** The IFSP team refuses a parent request for an ongoing assessment or refuses a parent request to initiate or change a service for a child who has an IFSP. The Service Coordinator provides a copy of the completed NOA and the Parental Rights Statement to the parent along with a copy of the IFSP.

The Service Coordinator should explain the parental rights related to the action proposed or refused to the parent prior to providing the NOA. The Service Coordinator should allow 10 days before making changes in the child's record (e.g., inactivating the record). Once received, the parent has the right to dispute actions proposed or refused on a NOA. For more information on dispute resolution options, see Section G below.

➤ IFSP Meeting Notifications

There are certain times when prior written notice to the parent occurs in a meeting notification letter instead of a NOA: when the child is eligible for First Steps, when the child is approaching age three, and when the family has an upcoming IFSP meeting. The requirement to provide prior written notice of these actions is met with the meeting notification letters for IFSP meetings see Chapter 6 and 10 Letters).

2. Notice of Action/Consent (NOA/C)

The parent is notified via a NOA/C when an action that requires parental consent has been proposed and a reason for the action. The Service Coordinator provides a completed NOA/C form to the parent when proposing the following actions.

- **Evaluation/Initial Assessment of the Child.** The Service Coordinator obtains consent for all activities leading up to the Initial IFSP meeting, including the evaluation of the child. This consent also includes, for an eligible child, an initial assessment of the child to prepare for an Initial IFSP and to identify the unique strengths and needs in each developmental area, observations of the child, and review the evaluation of the child, (unless medical or other records confirm eligibility). The Service Coordinator provides a copy of the completed NOA/C and the Parental Rights Statement to the parent. For more information on evaluation of the child, see Chapter 3. For more information on initial assessment of the child, see Chapter 6.
- **Ongoing Assessment of the Child.** The Service Coordinator obtains consent for an ongoing assessment of a child in IFSP status, which includes identifying the unique strengths and needs in each developmental area: adaptive behavior, communication, cognition, physical (including vision and hearing) and social/emotional; observations of the child and a review of the evaluation of the child, unless medical or other records were used for eligibility. The Service Coordinator provides a copy of the completed NOA/C and the Parental Rights Statement to the parent. For more information on ongoing assessment, see Chapter 6.
- **Initiation of Early Intervention Services.** The Service Coordinator obtains consent to begin services as determined by the IFSP team, including service coordination and translation or interpretation services. The Service Coordinator provides a copy of the completed NOA/C and the Parental Rights Statement to the parent. For more information on determining services at an IFSP meeting, see Chapter 6.
- **Change in Early Intervention Services.** The Service Coordinator obtains consent to change IFSP services, including changes in frequency, intensity, duration, length, method or location of the services. This includes obtaining consent for compensatory services to be provided to the child and family after age three as part of a Compensatory IFSP. The Service Coordinator provides a copy of the completed NOA/C and the Parental Rights Statement to the parent. For more information on a Compensatory IFSP, see Chapter 9.

- **Discontinue Service(s) at IFSP Team Request.** The Service Coordinator obtains consent when one or more IFSP services are discontinued (e.g., the child meets all IFSP outcomes). Once a service is discontinued, parental consent must be obtained before that service can begin again. The Service Coordinator provides a copy of the completed NOA/C and the Parental Rights Statement to the parent.

The Service Coordinator is responsible for informing the parent of the proposed action and explaining the parental rights related to the action proposed, such as parental consent is voluntary and may be withdrawn at any time. Written consent means the parent understands and agrees with the proposed action.

The parent determines whether to accept or decline the proposed actions and early intervention services. The parent may decline a service after first accepting it, without jeopardizing other early intervention services.

The parent must sign the NOA/C before the action can be taken because consent must be in writing. The proposed action is in effect as of the date the parent signs consent.

Parental consent does not expire, unless the written action includes a specific period of time or the parent withdraws from the program. If a parent takes away (i.e., revokes) consent, the revocation is not retroactive (i.e., it does not apply to an action that occurred before consent was revoked).

3. Prior Written Notice Is Not Required

Certain situations do not require prior written notice to the parent. Those situations include:

- Providing compensatory services to the child or family before age three to make up for services previously consented to and authorized in the IFSP, but not provided due to First Steps system problems or delays
- Provider changes
- A new provider added to the IFSP after No Provider Available (NPA) status

For more information on NPA, see Chapter 6. For more information on provider changes and compensatory services, see Chapter 9.

4. Decline Consent

The parent may decline to provide consent after an action has been proposed. The Service Coordinator discusses with the parent how the action (e.g., initiation of early intervention services) may be affected if the parent declines consent. The Service Coordinator explains to the parent the child is not able to receive an evaluation of the child or early intervention services unless consent is given.

If the parent declines to provide consent, the SPOE cannot challenge the parent's decision. However, if the parent does not give consent and that is considered neglect under Missouri law, the Service Coordinator will make a report to the proper authorities as required by state law.

B. Parental Right #3: Individualized Family Service Plan

Within 45 days of the referral, a meeting must be held for each eligible child and family to develop an IFSP. The IFSP team writes the plan for one year and reviews it at least every six months. The IFSP includes: the child's present levels of development, outcomes for the child and family, how progress is measured, services to be provided, payment arrangements for services, and discussions about transitions during the child's time in First Steps and upon exiting First Steps at age three. For more information on the IFSP, see Chapter 6.

C. Parental Right #4: Confidentiality

The First Steps system must protect the confidentiality of personally identifiable information (e.g., child's name, date of birth, parent's name, social security number) and records at various stages, including the collection, maintenance, use, storage, disclosure, and destruction of records.

Each SPOE must protect the confidentiality of personally identifiable information for the children and families in their region. Therefore, to ensure protection, the SPOE must:

- Appoint one official at each SPOE responsible for ensuring the confidentiality of any personally identifiable information.
- Provide training or instruction to all persons collecting or using personally identifiable information on DESE's policies and procedures governing such information.
- Maintain, for public inspection, a current list of the names and positions of those employees within the SPOE who may have access to personally identifiable information (i.e., access list of SPOE employees). Only employees of the SPOE who have a legitimate need to access First Steps records are included on the list and permitted access to the records. The access list is posted at the location of child records/files.

In order to adequately ensure records are protected, and the appropriate provisions are in place in each SPOE agency, the SPOE has the responsibility to monitor access to any personally identifiable information.

1. Health Insurance Portability and Accountability Act

Health Insurance Portability and Accountability Act (HIPAA) is a federal law protecting the privacy of personal health information. First Step records, even ones with medical information, are educational records. The privacy laws in HIPAA do not apply to the First Steps program, however, providers/agencies must determine for themselves if the privacy laws in HIPAA apply to them.

When First Steps uses the family's private and/or public insurance to help pay for First Steps services, with parental consent, First Steps must comply with HIPAA regulations about the electronic conveyance of information when used for billing purposes. The First Steps Central Finance Office (CFO) follows those regulations. For more information on private and public insurance, see Chapter 5.

2. Family Educational Rights and Privacy Act

Family Educational Rights and Privacy Act (FERPA) is a federal law protecting the privacy of a child's educational records. Since First Steps records are educational records, FERPA applies to the First Steps program. Under FERPA, a parent must provide written consent before any portion of a child's First Steps record or personally identifiable information is shared with anyone outside of the First Steps system. Personally identifiable information includes a child's name, date of birth, social security number, First Steps child identification number, parent's name, address or other information that could be used to distinguish the child's identity.

If information marked "Third Party" or "Confidential - Do Not Release" is used to make decisions concerning eligibility or early intervention services, then the information is considered to be an educational record and procedures for destruction and disclosure of the child's record must be followed, regardless of instructions from the original source of the record.

When using technology to conduct First Steps activities, only secured devices used exclusively for work purposes may be used. Personal devices that may be accessed by non-First Steps personnel (i.e., a Service Coordinator's family or friends) may not be used for First Steps activities.

When using mobile devices, the use of mobile applications (i.e., apps) to conduct First Steps activities is discouraged. Apps include a "Terms of Service" agreement to be accepted by the user prior to accessing the app. Terms of Service agreements govern what information the provider of the app may collect, how the information is used and with whom the information may be shared. Before using apps to conduct First Steps activities, the SPOE Director must review the company's Terms of Service to ensure any personally identifiable information entered in the app is protected under IDEA Part C and FERPA provisions, including the requirements for retention, inspection and disclosure.

3. Release of Information

The parent has several rights related to protecting personally identifiable information in the child's record, including the right to provide consent before certain information can be requested or shared.

a) Individuals Within the First Steps System

Written parental consent is not required to share information between individuals within the First Steps system. The First Steps system includes SPOE staff, the child's Service Coordinator, the child's First Steps providers, the CFO, and DESE. Information may be shared between individuals in the First Steps system in verbal or written format.

When sharing information verbally, careful attention must be paid to ensure conversations take place in secure locations and private information is not overheard.

When sharing information in writing, careful attention must be paid to ensure the content of the message is professional and relevant to the situation. This includes the content of case notes entered by SPOE Directors or Service Coordinators and progress notes entered by providers. Additionally, information in an email intended only for a specific individual may be misdirected or forwarded. Therefore, SPOE Directors, Service Coordinators and providers must limit the details about a child or family in all email communications (e.g., utilize the child identification number or initials instead of the child or parent's full name).

While FERPA protects the release of any personally identifiable information in the child's early intervention record, the Sunshine Law in Missouri allows for the inspection of public records, including electronic communications sent and received by State employees. This means all emails sent to DESE staff, including the Area Directors, the Part C Coordinator and First Steps Compliance staff, may be open for public review if requested under the Sunshine Law. In the event of a Sunshine Law request, names will be redacted but other information can be made public.

b) Individuals Outside the First Steps System

When requesting or sharing information from the SPOE with individuals outside the First Steps system, the Service Coordinator must obtain written parental consent on the ***Release of Information*** (ROI) form (see Chapter 2 Forms). This ROI form is for use by the SPOE only. First Steps providers must utilize their own release form to obtain parent consent before sharing personally identifiable information with an individual or agency outside of the First Steps system (e.g., physician, Parents as Teachers).

The parent's consent is required before personally identifiable information about the child can be shared in any manner with individuals outside First Steps, including a request for records, a release of documentation from the child's paper or electronic record, or any other means of communication. Some outside agencies such as hospitals may require their own ROI forms be completed prior to releasing records.

Individuals outside of First Steps include family members and caregivers who are not the child's parent. Therefore, the Service Coordinator must obtain a signed ROI from the parent before sharing personally identifiable information with any family member or caregiver, including a family member who provides child care or an individual in a non-familial child care setting. A ROI must be completed for each individual and specify the type of information to be shared.

- **Consent to Request or Share Information With Individuals Outside the First Steps System**

The Service Coordinator explains to the parent that the collection of personally identifiable information from individuals outside of First Steps is sometimes necessary to determine eligibility or identify appropriate early intervention services. The Service Coordinator reviews the ROI form with the parent prior to obtaining parental consent to request or share information with individuals or agencies outside the First Steps system. The review must include the purpose for requesting personally identifiable information and the specific types of information to be obtained (e.g., medical records, screening results, evaluations and assessments). The Service Coordinator must also emphasize it is the parent's decision whether or not to request or share any information from individuals or agencies outside the First Steps system.

The parent must choose how First Steps will communicate with an outside individual or agency. There are three options parents have in choosing how to communicate: (1) information may be shared between First Steps and an outside individual/agency, (2) First Steps may only request information from an outside individual/agency and (3) First Steps may only release information to an outside individual/agency.

The Service Coordinator completes the ROI form according to the parent's decision, including the purpose of the release and the type of information to be requested or shared.

If the parent provides consent, the Service Coordinator ensures the appropriate boxes are marked accordingly and parent signature and date is obtained.

If the parent does not provide consent, the Service Coordinator explains to the parent that failure to provide consent could affect the child's participation in First Steps. The Service Coordinator must case note the parent's decision not to provide consent to obtain information from individuals outside of the First Steps system.

- **Releasing Information With a Signed ROI**

Individuals or agencies identified on a current, signed ROI in a child's early intervention record may access the information detailed on the ROI form, including

obtaining a copy of the information. SPOE staff must verify a current ROI exists, and the extent to which information may be released, prior to releasing any information from the child's early intervention record. The SPOE is responsible for making sure only the specific information listed on the ROI is released.

4. Situations That Do Not Require a Release of Information

The following situations are exceptions to the requirement for written parental consent to share personally identifiable information about a child in First Steps. In these situations, the parent of a child in First Steps does not have to provide consent in order for the Service Coordinator to share personally identifiable information to someone outside of First Steps.

a) Sharing Directory Information

A child who is eligible for First Steps is also potentially eligible for services under Part B of IDEA. The Service Coordinator is required to share specific personally identifiable information with the school district where the child resides in order to provide notification that the child is approaching age three. This specific information is known as directory information and includes the following:

- A child's name
- A child's date of birth
- Parent's name(s)
- Parent's address
- Parent's telephone number (or no phone number)

The Service Coordinator is responsible for informing parents of the intent to share directory information with the school district and for allowing parents a specified time period to object, in writing, to sharing directory information. The objection is known as opt out. If the parent objects, the parent signs the Opt Out form and the Service Coordinator cannot share directory information with the school district. For more information about directory information and opt out, see Chapter 10.

b) Court Orders and Children's Division

Parental consent is not required in order for the SPOE to respond to any lawfully issued subpoena but the SPOE must make a reasonable effort to notify the parent of the subpoena before providing information. The parent has the opportunity to go to court to stop the subpoena.

However, if the subpoena is from a grand jury or if there is a judicial order that the existence of the subpoena not be disclosed, the SPOE cannot notify the parent.

For children in the custody of the Children’s Division, once the Service Coordinator has confirmed custody, early intervention records can be shared without parental consent between First Steps and the Children’s Division worker responsible for the care and protection of the child.

For any child not in the custody of Children’s Division, a ROI form must be signed by the parent before the Service Coordinator can release any information from the child’s early intervention record.

c) Provision of Service

A First Steps provider is expected to deliver services in accordance with the child’s IFSP. In situations where the parent has informed (e.g., phone call, email) the provider or a family member/caregiver that a scheduled visit will occur with the family member/caregiver present instead of the parent, a signed release is not required in order to conduct the scheduled visit. However, a signed release is required before the provider can share any non-visit related information with a family member or caregiver other than the parent.

5. Reporting Child Abuse and Neglect

Missouri law defines abuse as “any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child’s care, custody, and control, except that discipline including spanking administered in a reasonable manner, shall not be construed to be abuse.”

Missouri law also defines neglect as “failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being.”

“Those responsible for the care, custody, and control of the child” include, but are not limited to, the parents or guardian of a child, other members of the child’s household, or those exercising supervision over a child for any part of a 24 hour day. Those responsible for the care, custody, and control also includes any adult who, based on relationship to the parents of the child, members of the child’s household or the family, has access to the child.

Missouri law requires all mandated reporters, upon finding reasonable cause, directly and immediately report suspected child abuse or neglect. Mandated reporters include health practitioners, psychologists, mental health professionals, social workers, child-care workers, teachers, or other persons with responsibility for the care of children.

Therefore, if an employee of the SPOE or a First Steps provider has reasonable cause to suspect child abuse or neglect, then that SPOE employee or provider must immediately report the abuse or neglect to the Children’s Division.

No SPOE or provider agency administrator can impede anyone with reason to suspect child abuse or neglect from reporting and the person reporting child abuse or neglect cannot be penalized for making such report.

D. Record Retention

The Service Coordinator is responsible for maintaining the child's early intervention record. This information includes evaluations and assessments, eligibility determination, development and implementation of IFSPs, provision of early intervention services, individual complaints involving the child and other related information. This information is gathered from the family, providers and other individuals identified by the parents as having knowledge about the child. The Service Coordinator uses this information to make decisions concerning referral, intake, eligibility determination, IFSP meetings and early intervention services.

1. Early Intervention Record

The early intervention record includes information recorded in any way such as handwritten notes, emails, letters, test protocols, media and video/audio recordings in addition to any health, medical, developmental or other reports.

The SPOE is responsible for maintaining the child's early intervention record which consists of a paper record physically located at the SPOE office and an electronic record maintained in WebSPOE.

a) Paper Record

The paper record contains any written documentation collected throughout the child's enrollment in First Steps. The SPOE must maintain an access log in each child's paper record to keep track of individuals accessing the record. All individuals who access the record, with the exception of designated SPOE staff indicated on the access list of SPOE employees, must sign, date and state the reason on the *Early Intervention Record Access Log* (see Chapter 2 Documents). Individuals who are part of the First Steps system may access the paper record without parental consent, but are required to sign the access log.

The paper record for each child includes, but is not limited to:

- An access log
- Referral forms or letters received as paper copies
- Any medical, health or developmental records
- Any evaluation or assessment reports
- Notices of Action and Consent forms

- Release of Information forms
- Meeting notifications and other correspondence received or sent
- Any form requiring original signatures
- Other paper documents received by the SPOE

b) Electronic Record

The electronic record contains certain data entered into the web-based system known as WebSPOE. Data in WebSPOE include child and family information, such as demographics, IFSP, authorizations and case notes. Only individuals specifically assigned to a child have access to that child's electronic record (i.e., the Service Coordinator, SPOE Director, providers authorized to serve the child, and DESE staff).

WebSPOE users are granted access to the system via an enrollment process with the CFO. Once enrolled, users are given a unique username and password and instructed not to share the log-in information with anyone. Providers receive access to an individual child's record in WebSPOE when a Service Coordinator enters service authorizations under the provider's account. WebSPOE maintains an electronic access log for each child's record in order to track the users who are accessing a child's record.

2. Timelines for Record Retention

The SPOE maintains the child's paper record for a minimum of three years from the date the child no longer receives early intervention services. DESE maintains the child's electronic record in WebSPOE without time limits.

The SPOE must maintain child complaint documentation/information for 10 years and due process documentation/information for 15 years. Mediation documentation/information is maintained for 10 years if related to a child complaint and 15 years if related to a due process.

E. Parental Right #5: Destruction of Information

Destruction of information means physical destruction of the early intervention record or the removal of personally identifiable information from the early intervention record.

1. Informing the Parent

The SPOE is responsible for informing the parent when personally identifiable information collected, maintained or used by the First Steps program is no longer needed to provide early intervention services to the child.

The Service Coordinator must explain the destruction of information process, at a minimum, during the intake visit and when preparing for the child to exit the program (e.g., the child is ineligible, the parent withdraws or the child turns three). This explanation must include:

- A description of the information contained in the early intervention record
- The parent's right to review the record at any time
- The parent's right to receive a copy of the record at any time
- The timelines for record retention

The Service Coordinator documents all discussions related to parental rights, including destruction of information in case notes.

2. Destroying the Record

Once the timeline for record retention is met, the record is destroyed. Documents in the child's paper record to be destroyed include any IFSPs, evaluation reports, assessment reports, test protocols, notifications of IFSP meetings, Notices of Action, and other personally identifiable information.

A parent may request in writing the child's paper record be destroyed any time after the record is no longer needed to provide services. If the parent requests the paper record be destroyed, the SPOE must wait until three years from the date the child no longer received services, and then destroy the record immediately. However, an electronic record containing the child's name, date of birth, parent's address and phone number, names of Service Coordinators and providers, the child's IFSP, provider progress notes and exit data is maintained in WebSPOE.

F. Parental Right #6: Review of Records

Parents have the right to inspect and review any or all portions of their child's early intervention record, which include the electronic and paper records. Parents cannot be denied access to the early intervention record by the SPOE due to physical limitations or geographic locations. The Service Coordinator must provide assistance to a parent who requests to review the child's record.

1. Access to the Early Intervention Record

The SPOE is responsible for ensuring parents of children referred to or who receive services from First Steps receive the opportunity to inspect and review the early intervention record, including information about the child and the child's family collected, maintained, or used within the First Steps system. These records may include paper or electronic documentation related to the child and family. With a signed ROI, a representative of the parent may inspect and review the records on the parent's behalf.

The SPOE must allow the parent to inspect and review any information in the early intervention record pertaining to the child within 10 calendar days of the parent's request.

The SPOE may not charge the parent to inspect and review information in the child's paper or electronic record; therefore, if a copy of the record is the only way for the parent to inspect and review the record, then the SPOE must provide a copy of the early intervention record at no cost to the parent. However, test protocols are copyrighted and cannot be copied. If the parent requests to review a test protocol, then the SPOE makes appropriate arrangements for the parent to review the protocol (e.g., provider explains during home visit, review at IFSP meeting).

2. Copy of the Early Intervention Record

At any time prior to destroying a record, the parent may request a copy of the child's entire early intervention record or a copy of a portion of the record. The SPOE cannot charge the parent for the time to search for or collect information; however, the SPOE may charge for copies of the entire early intervention record or portions of the record, as long as the fee does not prevent the parent from having a copy of the record.

3. Copy of IFSP Meeting Documentation

As soon as possible after each IFSP meeting, the Service Coordinator must send the parent a copy of each evaluation, assessment, NOA and/or NOA/C, IFSP document and any other documents signed by the parent at the IFSP meeting. These copies are provided at no cost to the parent.

Generally the SPOE mails copies to parents within two weeks following the IFSP meeting. In lieu of receiving copies in the mail, the parent may choose to receive copies via electronic mail (e-mail). If the parent agrees to use e-mail to receive copies of the IFSP or other documents, the Service Coordinator must inform the parent of privacy risks; primarily if the internet connection or site used is not secure, the information sent electronically may be open to anyone who has a computer/cell phone within range.

If the parent requests the Service Coordinator to send a copy of a document via text message, then the Service Coordinator can send the document in this manner and records the request in a case note. However, the Service Coordinator also explains to the parent that a text message is not the only copy the parent will receive. The Service Coordinator must also send a copy of the document via mail, e-mail or fax in order to meet the requirement to provide the parent with a copy of IFSP meeting documentation.

4. Records Containing Information on More Than One Child

If a document in the child's early intervention record includes information on more than one child (e.g., Early Intervention Team meeting minutes), parents accessing the record have the right to inspect and review only the information relating to their child. If the parent requests

to review the documentation, personally identifiable information related to other children must first be copied and then redacted, or blacked out, prior to inspection by the parent.

5. Amendment of Records

Parents have the right to request, verbally or in writing, an explanation of the child's early intervention record and to request an amendment to the record. When the parent reviews the child's early intervention record, the parent may have questions as to the meaning and implications of the documents contained in the record. The parent has the right to request an explanation or interpretation of the record, and the SPOE must provide a verbal or written response to the parent's request within 10 days. The SPOE must enter a case note to document a response was provided to the parent.

A parent who believes information in the child's early intervention record is inaccurate, misleading, or violates the privacy or other rights of the child or parent, may request in writing that the SPOE amend the information by either removing or rewriting the information to more accurately reflect the child or family. The SPOE must respond in writing to the parent's request within a reasonable period of time, generally within 10 days, after receipt of the request to amend records. If the SPOE agrees to the requested amendment, the records in question shall be amended as agreed. If the SPOE refuses the request for an amendment, the SPOE must inform the parent of the refusal in writing and advise the parent of his or her right to a hearing.

If the parent requests an amendment to the child's early intervention record and the SPOE refuses, DESE allows for the parent to participate in a hearing to challenge the information. The parent may also request a due process hearing by contacting DESE directly. If, as a result of the hearing, DESE decides the information is inaccurate, misleading, or in violation of the privacy or other rights of the child or parent, the SPOE must amend the information accordingly and inform the parent in writing.

If, as a result of the hearing, DESE decides the information is not inaccurate, misleading, or in violation of the privacy or other rights of the child or parent, the SPOE must inform the parent of the right to include in the child's record a statement of disagreement with the hearing decision. Any statement placed in the child's record must be kept by the SPOE as part of the child's record as long as the record is maintained. If the child's record or the challenged part of the record is shared by the SPOE, the statement must also be shared.

G. Parental Rights # 7, 8 and 9: Mediation, Child Complaint and Due Process Hearing

When a parent or other individual has a concern about an action taken by the First Steps system, the parent or other individual can file a complaint against the First Steps system. This complaint process is called the IDEA complaint system. Depending on the nature of the complaint, various options are offered to address the issue. The IDEA complaint system includes three components: mediation, child complaint and due process.

1. Mediation

The parent and either DESE staff, SPOE staff or a provider are offered the opportunity to use mediation to settle disagreements at any time, including prior to or after the filing of a child complaint or due process hearing request. Parties interested in mediation must file a request with DESE in writing. The *Mediation Request Model Form* (see Chapter 2 Documents) may be used to request mediation but this form is not required. The mediation request must be filed within one year of the disagreement.

The written mediation request must include the following information:

- The name and contact information for the person requesting mediation
- The name and address of the child
- An indication whether the mediation involves a child complaint or due process
- A description of the problem
- A proposed solution for the problem

Mediation is voluntary, free of cost and does not take away a parent's right to a due process hearing. Due process hearing timelines may be extended to allow for mediation.

DESE maintains a list of qualified mediators. Both parties must mutually agree upon an impartial mediator who is qualified and trained in mediation techniques and knowledgeable in special education laws and regulations. Once selected, the mediator schedules the mediation session at a mutually agreed upon time and location within 15 days of the request.

No more than three people can accompany each party to the mediation session, unless both parties agree to more. Attorneys are not allowed to participate or attend; however, an advocate may accompany the parent. Any agreement reached is set forth in a written mediation agreement. Mediation must be completed within 30 days of the decision to mediate.

2. Child Complaints

If any person or organization believes DESE, a SPOE or a provider has violated any State or federal law or regulation in Part C of the IDEA, they can file a signed, written child complaint with DESE. The *Child Complaint Model Form* (see Chapter 2 Documents) may be used to file a child complaint but this form is not required.

The written child complaint must include:

- A statement that DESE, the SPOE, or provider has violated a requirement of Part C of the IDEA,
- The facts on which the statement is based, and

- The signature and contact information for the person filing the complaint.

If the complaint concerns a specific child, the written child complaint must also include the following information:

- The name and address of the child
- The name of the provider serving the child
- A description of the problem, including facts relating to the problem
- A proposed solution for the problem

The child complaint must allege a violation that occurred not more than one year prior to the date the complaint is received. The party filing the complaint must forward a copy of the complaint to the SPOE or provider serving the child at the same time the party files the complaint with DESE. The complaint investigation timeline does not begin until the party filing confirms a copy of the complaint was sent to the party the complaint is against.

DESE notifies all parties involved in the complaint. The complaint is investigated through a review of all related information which may include a review of documentation and/or interviews with parents, providers or other persons with relevant information. An onsite investigation may occur if DESE determines one is necessary.

The person filing the complaint has the opportunity to submit additional information, either verbally or in writing, about the complaint, and DESE, the SPOE or the provider has an opportunity to respond to the complaint. There is also an opportunity for the parent and either DESE staff, SPOE staff or a provider to voluntarily participate in mediation.

A written decision from the Commissioner of Education or designee regarding the child complaint is provided to the complainant and SPOE within 60 days of the date the complaint was filed. The written decision addresses each allegation in the complaint with findings of fact and conclusions. The written decision is final and cannot be appealed.

3. Due Process Hearing

Parents and DESE have the right to resolve identified concerns about a child's identification (eligibility), evaluation, location, or the delivery of services through a procedure called a due process hearing. If agreement cannot be reached by the IFSP team or others in the First Steps system, a parent may initiate a due process hearing by providing a written request to DESE. The parent may use the ***Due Process Hearing Parent Request Model Form*** (see Chapter 2 Documents) but this form is not required.

The written due process request must include the following information:

- The name and contact information for the person requesting due process hearing

- The name and address of the child
- A description of the disagreement
- A proposed solution for the disagreement

The request for a due process hearing must be about a disagreement that occurred not more than one year prior to the date the request is received.

Within 30 calendar days of receiving the parent's request, an impartial hearing officer conducts a hearing to review the parent's concerns, listen to the involved parties, and issue a written decision of facts and findings. Legal counsel may represent parents at the due process hearing, present evidence, and cross-examine witnesses.

If DESE or the parent disagrees with the hearing officer's final decision, either party has a right to appeal the decision to a state or federal district court. During these proceedings, the child continues to receive the early intervention services that were being provided at the time due process was initiated; or, if the due process involves initial services, the child receives any services not in dispute.

H. Parental Right #10: Educational Surrogate Services

In the rare case a child is a ward of the State or does not have an identified parent or EDM, the SPOE must request DESE assign an Educational Surrogate to represent the child in all educational matters. The Educational Surrogate has the same rights as a parent for the purpose of First Steps.

Each SPOE must comply with DESE procedures for determining whether a child needs an Educational Surrogate. Any person may notify DESE or the SPOE that a child enrolled in First Steps may be in need of an Educational Surrogate.

Within 30 days of being aware an enrolled child living within the SPOE region may need an Educational Surrogate, the SPOE makes a determination as to whether an Educational Surrogate is needed. If an Educational Surrogate is needed, a request to DESE for the appointment of a surrogate must be made within 10 days of that determination. Appointment of an Educational Surrogate shall be made by DESE from a group of approved surrogates who live near the child.

For more information on Educational Surrogates go to the DESE website for Special Education – Compliance – Educational Surrogate.

SECTION III: NATIVE LANGUAGE

Missouri Part C State Plan Section XVI. (34 CFR 303.400 through 303.438)

Every parent must receive an explanation of the First Steps parental rights in their native language in order to understand the actions proposed by First Steps and to participate in the services provided to the child and family. This includes parents whose native language is a language other than English or who use another means of communication.

Native language means the language normally used by the parent. “Normally used” means the language the parent generally uses to speak to others outside of the home. There are two types of native language services available: translation and sign/cued language.

A. Translation Services

When a parent has limited English proficiency, meaning the parent has difficulty reading, speaking, writing, or understanding the English language that would result in the inability to access the First Steps program or participate in early intervention services, translation services are necessary to provide a verbal explanation and written documentation so the parent understands the required information. Translation services are provided by a Translator.

During initial contacts with the parent, if the Service Coordinator has difficulties understanding the parent or is uncertain the parent understands the information being shared, the Service Coordinator brings a Translator to the intake visit to help determine the need for translation services. If the parent cannot communicate in English, then translation services are necessary. However, if the parent communicates in English but prefers to communicate in the native language, then translation services are not necessary.

The Service Coordinator and parent must determine the need for translation services before the Initial IFSP meeting.

1. Locating a Translator

The SPOE can locate a Translator through the online Provider Matrix by searching for “Translator.”

If the needed Translator is not available through the Matrix, the SPOE has two options to locate a Translator.

- **SPOE as Provider.** The SPOE can subcontract with providers who meet the qualifications of Translator but are not enrolled on the Matrix. The SPOE can authorize the provider for First Steps services under the “SPOE as Provider” function.

- **State Contract.** The SPOE can use a provider on the state contracted list to help with translation services. The SPOE must contact DESE for assistance before using anyone from the state contracted list because the invoice for payment that comes to DESE must match a request on file. When contacting DESE, email is preferred to ensure complete information is included in the request.

A request for translation services must include the following information:

- Indicate verbal and/or written translation
- Language needed
- Location where the Translator is needed (city/county)
- Date the service is needed
- Child's name
- Parent's name
- Activity (e.g., intake meeting, evaluation/assessment) and/or Forms (e.g., NOA)

2. Obtaining Consent for Translation Services

The Service Coordinator may need a Translator to contact the parent to confirm receipt of the referral and schedule an intake visit. These referral activities do not need parental consent for translation services because they are considered child find services and provided to families at no-cost.

At the intake visit, the parent must sign a NOA/C for Evaluation/Initial Assessment of the child in order to determine the child's eligibility for First Steps. This consent covers all activities conducted prior to the Initial IFSP, including translation services.

At the Initial IFSP meeting, the parent must sign a NOA/C for the initiation of early intervention services. Since translation services are considered IFSP services, this consent must specifically list translation as an early intervention service. The reason for the action on the NOA/C is written generally to indicate the parent is providing consent to begin translation services.

3. Using Translators

The Service Coordinator may not selectively choose which activities require a Translator. A Translator is required for all official activities involving parental rights. The Service Coordinator case notes any time a Translator is used to assist the parent in understanding information.

a) **Activities that Require a Translator**

- **Meetings.** A Translator is required to attend the intake meeting and all IFSP meetings to help the Service Coordinator ensure the parent understands required information. The use of a Translator does not extend required timelines, including the 45-day timeline, IFSP meeting timelines and timely services.
- **Evaluation and Assessment of the Child.** All evaluations and assessments of the child must be conducted in the language normally used by the child, unless there is no possible way to use the child's native language. The purpose of evaluation and assessment is not to determine if the child understands English, rather it is to determine the child's level of functioning. Therefore, when a child's native language is not English, a Translator is required to assist the provider conducting the evaluation of the child, initial assessment and ongoing assessment of the child.

However, if the child's native language is English but the parent's native language is not, then a Translator is required to communicate with the parent during the evaluation of the child, initial assessment and ongoing assessment of the child.

- **Assessment of the Family.** The family assessment is conducted to determine the family's concerns, priorities and resources related to improving their child's development. Although the family assessment is voluntary, family member participation is important to determine their concerns. Therefore, the family assessment must be conducted in the language normally used by the family, unless there is no possible way to use the family's native language.
- **Forms.** A Translator is required to provide verbal explanation and written translation of the following forms:
 - Parental Rights Statement
 - Notice of Action
 - Notice of Action/Consent
 - Notice of Action/Consent to Continue First Steps for Summer Third Birthday Children (See Chapter 10 Forms)
 - Release of Information
 - Consent to Use MO HealthNet/Medicaid
 - Consent to Use Private Insurance
 - Financial Information for Family Cost Participation
 - System of Payments policy
 - Opt Out form

- **IFSP Meeting Notifications.** A Translator is required to help the Service Coordinator communicate with the parent to schedule an IFSP meeting. Once the meeting date, time and location have been determined, the Translator is required to provide written translation of the IFSP meeting notification that is sent to the parent.
- **Letters.** A Translator is required to help the Service Coordinator discuss actions involving the parent’s rights. Once an action has been decided, the Translator is required to provide written translation of all letters that include an enclosure of a form (e.g., the Parental Rights Statement, NOA, and NOA/C).
- **Service Visits.** If there is no family member or friend available to translate information to the parent during a service visit (e.g., home visit with a provider) then the SPOE must obtain a Translator to be present during the service visit.

b) Activities that Do Not Require a Translator

- **Service Visits.** If the parent gives permission for a family member or friend to translate information during a visit, then a Translator is not necessary. The provider has the parent sign a release indicating consent to share personally identifiable information with the family member or friend. The family member or friend verbally explains the release to the parent but written translation of the release is not required.
- **General Correspondence.** For any other document other than those listed above under 3.a., the SPOE may have a Translator provide verbal and written translation of the contents of the document to the parent, but a Translator is not required. For general correspondence, the Service Coordinator may use various online resources or other technology to translate the information into the parent’s native language.

4. Translating Documents into the Parent’s Native Language

DESE is responsible for translating all official documents into a general template that has no child-specific information. Translated documents are available in various languages on the First Steps website under “For SPOE Directors – Forms.” If an official document listed above under 3.a. is not available on the First Steps website, then the Service Coordinator contacts DESE to request written translation. DESE will post the newly translated documents on the First Steps website.

Once the Service Coordinator obtains the translated document from DESE, the Service Coordinator must first complete the English version with child-specific information. Then, the Service Coordinator provides the completed English version to the Translator along with a blank translated version of the document. The Translator will use the English version to transfer the child-specific information and complete the translated document. After the translated document is complete, the Translator verbally explains the document to the parent.

For forms, the parent is provided the opportunity to take action (e.g., sign consent). The Service Coordinator keeps the original English form and attaches either the original signed translated form or a copy of the signed translated form to the English version and places it in the child's record.

The parent receives a copy of the translated form or letter and, if applicable, a copy of any translated enclosures (e.g., Parental Rights Statement).

5. Authorizing and Paying Translators

For Translators selected from the Matrix or "SPOE as Provider," the Service Coordinator enters authorizations for the Translator to support the Service Coordinator and providers in communicating with the parent. The authorizations to support the Service Coordinator are an estimated amount of time because the exact amount of time will depend upon the unique situation for each child and family.

During the intake process, the Service Coordinator enters an evaluation/assessment authorization for each event that requires a Translator. For example, the Translator receives an authorization for 30 minutes to contact the parent and schedule the intake visit, an authorization for 60 minutes to attend the intake visit, and an authorization for 90 minutes to assist the provider in administering the DAYC-2.

During the IFSP process, a Translator may be authorized for contacting the parent and attending home visits. For example, a Physical Therapist and Special Instructor visit the family for a total of six hours a month. The Translator receives one authorization for six hours a month of direct service (e.g., six times a month for 60 minutes) to match the providers' time and another authorization for 30 minutes a month of direct service (e.g., two times a month for 15 minutes) to support the Service Coordinator in completing required letters or monthly contact with the family.

Translators selected from the Matrix are paid by DESE via the CFO. The Service Coordinator enters authorizations under the provider/payee name. The Service Coordinator adds these Translators as "enrolled" IFSP team members in the child's electronic record.

Translators sub-contracted as "SPOE as Provider" are paid by the SPOE. The SPOE is reimbursed by DESE via the CFO. The Service Coordinator enters authorizations under the SPOE agency name. The Service Coordinator adds these Translators as "un-enrolled" IFSP team members in the child's electronic record.

➤ State Contracted Translators

State contracted Translators will not appear on the Matrix. Translators on the state contract are paid by DESE directly after the Translator submits an invoice to DESE. When using a state contracted Translator, the Service Coordinator does not enter an authorization. The Service Coordinator adds these Translators as "un-enrolled" IFSP team members in the child's electronic record. The Service

Coordinator documents the use of a state contracted Translator in a case note and either Section 8: Other Services and Supports or Section 9: Team Communications in the IFSP.

B. Sign/Cued Language Services

When the Service Coordinator learns a parent uses sign language, then sign/cued language services are necessary to provide information in another mode of communication (e.g., sign language) so that the parent understands the required information. Sign/cued language services are provided by an Interpreter for the Deaf.

1. Locating an Interpreter for the Deaf

The SPOE can locate an Interpreter for the Deaf through the online Provider Matrix by searching for “Interpreter for the Deaf.”

If the needed Interpreter for the Deaf is not available through the Matrix, the SPOE has two options to locate an Interpreter for the Deaf:

- **SPOE as Provider.** The SPOE can subcontract with providers who meet the qualifications of Interpreter for the Deaf but are not enrolled on the Matrix. The SPOE can authorize the provider for First Steps services under the “SPOE as Provider” function.
- **State Contract.** The SPOE can use a provider on the state contracted list to help with sign/cued language services. The SPOE must contact DESE for assistance before using anyone from the state contracted list because the invoice for payment that comes to DESE must match a request on file. When contacting DESE, email is preferred to ensure complete information is included in the request.

A request for sign/cued language services must include the following information:

- Indicate Interpreter for the Deaf
- Location where the Interpreter for the Deaf is needed (city/county)
- Date the service is needed
- Child’s name
- Parent’s name
- Activity (e.g., intake meeting, evaluation/assessment)

2. Obtaining Consent for Interpreters for the Deaf

At the intake visit, the parent must sign a NOA/C for Evaluation/Initial Assessment of the child in order to determine the child's eligibility for First Steps. This consent covers all activities conducted prior to the Initial IFSP, including sign/cued language services.

At the Initial IFSP meeting, the parent must sign a NOA/C for the initiation of early intervention services. Since sign/cued language services are considered IFSP services, this consent must specifically list sign/cued language as an early intervention service. The reason for the action on the NOA/C is written generally to indicate the parent is providing consent to begin sign/cued language services.

3. Using Interpreters for the Deaf

The Service Coordinator may not selectively choose which activities require an Interpreter for the Deaf. An Interpreter for the Deaf is required for all official activities involving parental rights. The Service Coordinator case notes any time an Interpreter for the Deaf is used to assist the parent in understanding information.

a) Activities that Require an Interpreter for the Deaf

- **Meetings.** An Interpreter for the Deaf is required to attend the intake meeting and all IFSP meetings to help the Service Coordinator ensure the parent understands required information. The use of an Interpreter for the Deaf does not extend required timelines, including the 45-day timeline, IFSP meeting timelines and timely services.
- **Evaluation and Assessment of the Child.** All evaluations and assessments of the child must be conducted in the mode of communication normally used by the child, unless there is no possible way to use the child's native language. An Interpreter for the Deaf is required to assist the provider who is conducting the evaluation of the child, initial assessment and ongoing assessment of the child.

If the parent is deaf, then an Interpreter for the Deaf is required to communicate with the parent during the evaluation of the child, initial assessment and ongoing assessment of the child.

- **Assessment of the Family.** The family assessment is conducted to determine the family's concerns, priorities and resources related to improving their child's development. Although the family assessment is voluntary, family member participation is important to determine their concerns. Therefore, the family assessment must be conducted in the mode of communication normally used by the family, unless there is no possible way to use the family's native language.
- **Service Visits.** If there is no family member or friend available to interpret information to the parent during a service visit (e.g., home visit with a provider)

then the SPOE must obtain an Interpreter for the Deaf to be present during the service visit.

b) Activities that Do Not Require an Interpreter for the Deaf

- **Forms, Meeting Notifications, Letters and General Correspondence.** If the parent has the ability to communicate with the Service Coordinator via any text-based resource (e.g., email, letter, teletypewriter/TYY relay services), then an Interpreter for the Deaf is not necessary.
- **Service Visits.** If the parent gives permission for a family member or friend to interpret information during a visit, then an Interpreter for the Deaf is not necessary. The provider has the parent sign a release indicating consent to share personally identifiable information with the family member or friend.

4. Authorizing and Paying Interpreters for the Deaf

For Interpreters for the Deaf selected from the Matrix or “SPOE as Provider,” the Service Coordinator enters authorizations for the Interpreter to support the Service Coordinator and providers in communicating with the parent, as needed.

During the intake process, the Service Coordinator enters an evaluation/assessment authorization for each event that requires an Interpreter for the Deaf. For example, the Interpreter for the Deaf receives an authorization for 60 minutes to attend the intake visit and an authorization for 90 minutes to assist the provider in administering the DAYC-2.

During the IFSP process, an Interpreter for the Deaf may be authorized for attending home visits. For example, an Occupational Therapist and Special Instructor visit the family for a total of four hours a month. The Interpreter for the Deaf receives one authorization for four hours a month of direct service (e.g., four times a month for 60 minutes) to match the providers’ time.

Interpreters for the Deaf selected from the Matrix are paid by DESE via the CFO. The Service Coordinator enters an authorization under the provider/payee name. The Service Coordinator adds these Interpreters as “enrolled” IFSP team members in the child’s electronic record.

Interpreters for the Deaf sub-contracted as “SPOE as Provider” are paid by the SPOE. The SPOE is reimbursed by DESE via the CFO. The Service Coordinator enters an authorization under the SPOE agency name. The Service Coordinator adds these Interpreters as “un-enrolled” IFSP team members in the child’s electronic record.

➤ State Contracted Interpreters for the Deaf

State contracted Interpreters for the Deaf will not appear on the Matrix. Interpreters for the Deaf on the state contract are paid by DESE directly after the

Interpreter for the Deaf submits an invoice to DESE. When using a state contracted Interpreter for the Deaf, the Service Coordinator does not enter an authorization. The Service Coordinator adds these Interpreters as “un-enrolled” IFSP team members in the child’s electronic record. The Service Coordinator documents the use of a state contracted Interpreter for the Deaf in a case note and either Section 8: Other Services and Supports or Section 9: Team Communications in the IFSP.

C. Other Modes of Communication

When a parent is blind or has no written language, the SPOE must ensure all required information is explained to the parent verbally or in another mode of communication (e.g., Braille) so that the parent understands the information.

When a parent uses another mode of communication, the Service Coordinator must take steps to ensure the following:

- The official document is explained verbally or in another mode of communication (e.g., Braille)
- The parent understands the document
- The parent signs the document, if applicable
- There is written documentation of the explanation (i.e., case note)

SECTION IV: FREQUENTLY ASKED QUESTIONS

Question 1: How is confidentiality addressed when one of the two EDMs lives in transitional housing with the child in First Steps and the location of that residence cannot be shared with the other EDM?

Answer: When both parents are EDMs and one parent asks First Steps not to share their physical address with the other parent, the SPOE can attempt to abide by the request; however, if the other parent asks to access the child's educational file, the address is in the file and First Steps may not be able to protect it.

Under Missouri law, if the parent is participating in the "Address Confidentiality Program" through the Office of the Secretary of State, the address supplied by the Secretary of State must be the address used in all First Steps records. The true address of the parent participating in First Steps is not a public record and cannot be shared with anyone. If there is a court order making the parent's address confidential, then the SPOE must redact that information from the record before sharing it with the other parent.

Question 2: Can a relative be considered the child's EDM when the relative is in the process of obtaining legal custody of the child (i.e., the relative and parent have signed paperwork to transfer custody), and the child already lives with the relative; however, the courts have not yet processed the paperwork?

Answer: Yes. Since there is documentation signed by the parent indicating the decision and the child already lives with the relative, then the relative is considered the EDM.

Question 3: What First Steps information is shared with a Guardian Ad Litem (GAL), Court Appointed Special Advocate (CASA) worker, biological parents, and foster parents?

Answer: The GAL is the court appointed attorney who maintains a right and the need to be advised regarding matters pertaining to the child. A GAL, who has a court order showing they are appointed to the child, does not need a ROI in order to obtain or share information related to the child in First Steps.

CASA representatives have access to Children's Division records and typically obtain information directly from the Division rather than the SPOE office. A ROI is required to obtain or share information with a CASA representative because the CASA representative does not have the same authority as a GAL.

Biological parents maintain the right to be informed about their child unless parental rights are terminated. A biological parent can access information in the child's record unless a court order states otherwise. If a biological parent is not supposed to know the location of the child in foster care, then the SPOE can redact the information regarding contact information for the foster home.

Foster parents or relative/kinship caregivers are considered the child's EDM when the child lives with them. As the EDM, the foster parent or relative/kinship caregiver have access to the child's First Steps records.

Question 4: First Steps is a voluntary program. Can a foster family with a child in First Steps choose to exit the First Steps program?

Answer: If a Family Support Team (FST) has decided a referral to First Steps is appropriate for a child in foster care, it is not appropriate for a foster parent or relative/kinship caregiver to remove the child from the program without consulting and reaching agreement with the FST. There may be situations where the child transitions from one placement to another which could cause a temporary disruption to services.

Question 5: Must a parent participate in First Steps if ordered by a court?

Answer: A court may require a parent to participate in First Steps but the court does not have jurisdiction to determine the child's eligibility for First Steps.

Question 6: If the child moves to a different SPOE region, what forms must be updated?

Answer: The Service Coordinator must obtain new ROI forms for individuals outside of First Steps who the parent wants to continue to share or exchange information. Other forms such as NOA/Cs and insurance forms are not required to be updated because the parent's consent/information applies as long as they are in First Steps, and has not revoked consent. If the new IFSP team decides to change services, or if the parent reports a change in insurance or income, then the applicable forms must be updated.

Question 7: Must the provider cancel a home visit if the Translator or Interpreter for the Deaf cancels?

Answer: If the Translator or Interpreter for the Deaf is not available, then the parent may give permission for a family member or friend to translate or interpret information during the visit. The provider may proceed with the visit after the parent signs a release indicating consent to share personally identifiable information with the family member or friend. However, if no one is available to translate or interpret, then the visit is canceled and made up in a reasonable time.

Question 8: Is the Service Coordinator required to obtain a ROI for a family member or friend who is in the home during an IFSP meeting but is not participating in the meeting?

Answer: No. If a family member or friend is not actively participating in the meeting, then a signed ROI form is not required for that individual.

However, if the family member or friend actively participates in an IFSP meeting, then a signed ROI form is required for that individual.