

# Montana Milestones Part C Early Intervention Program

For Families of Infants and Toddlers with Developmental Delays or Disabilities



## **PARENT RIGHTS**

*Under IDEA Part C*

## **IDEA Gives Parents the following Protections:**

### **1. The right to give informed consent:**

A parent must give written permission before their child is evaluated, before services begin or are changed, and before information about their child or family is shared with anyone else. Before being asked to make decisions or give written consent, a parent is given complete information and explanations about the program. Written consent may be cancelled in writing at any time.

### **2. The right to receive notification in writing:**

Parents must receive written notice from their program before any evaluations or assessments can take place. In addition, written notice must be given within a reasonable time before any decisions are made about:

- Eligibility
- Individualized Family Service Plan (IFSP) meetings
- Beginning or changing services
- Refusing services

### **3. The right to a coordinated Individualized Family Service Plan (IFSP):**

A written plan, called an IFSP, is developed by a team to record the family's outcomes for themselves and their child. It lists the early intervention services that will best help reach those outcomes and it describes, when, where, and how services will be delivered. Parents can choose to reject some types of service on the IFSP without affecting other early intervention services.

The parent and other family members work with the Family Support Specialist/Service Coordinator and other providers of early intervention services (if appropriate) to create the IFSP. Parents may invite anyone they wish to their IFSP meetings, including an advocate. The IFSP is reviewed at least every six months or sooner if requested. Parents are involved in planning the time, date, and place of these meetings to ensure their participation. Parents may request a review of their IFSP at any time, even if a review recently took place.



#### **4. The right to receive services in natural environments:**

Natural environments are more than the places where children live, learn, and play. Natural environments are the routine activities, or what children do, as they participate, in their everyday life at home and in the community. Services are focused on the family's and child's daily routine and are designed to be carried out as part of regular activities. This helps caregivers learn strategies for teaching the child new skills that may be practiced throughout the day. When a service needs to be provided anywhere other than a natural environment, the IFSP team must provide written justification.



#### **5. The right to confidentiality:**

Access to any information that personally identifies the child, or a family member is limited to selected Montana Milestones Part C Early Intervention Program staff or to state or federal auditors. Parents must agree in writing before information from their child's electronic or written records may be shared with anyone else.

## **6. The right to review and amend records:**

Parents may ask to inspect and review their child's record at any time. The local program has 10 days to comply with a request. After reviewing the file, parents may ask to make changes if they think anything is incorrect or to add information if they think the record is incomplete. If the local program disagrees with a request to change the child's records, a parent may request a hearing to challenge the decision. Parents may receive a free copy of their child's record.



## 7. The right to file a written complaint:

The quickest way to resolve a concern is to talk with a Family Support Specialist/Service Coordinator or with your local Montana Milestones Program Director. If a parent feels his or her rights have been violated or there has been a violation of the law, the parent may file a signed written complaint with the Part C Coordinator of Montana Milestones. The address is: 1625 11<sup>th</sup> Avenue, P.O. Box 4210, Helena, MT 59604. A copy of the written complaint must also be sent by the parent to their local Montana Milestones Program.

Montana Milestones Part C Early Intervention Program will investigate the complaint and respond in writing within sixty calendar days of the receipt of the signed complaint. While the disagreement is being resolved, the child will continue to receive early intervention services as detailed in the current IFSP unless the parents and early intervention service providers agree to make a change or when the child reaches his or her third birthday.



## 8. The process to resolve disputes:

Another way to resolve disagreements or notify Montana Milestones Part C Early Intervention Program that the law may have been violated is to request mediation or a hearing. Mediation allows you and your local program's staff to talk about the details of your disagreement with an impartial, trained mediator. The mediator will work with you and your local program to find a solution that suits both of you and then write up the terms of your agreement. You may also contact the Part C Coordinator to request a due process hearing. This is a more formal process conducted before an impartial hearing officer. Ask your Family Support Specialist/Service Coordinator for a copy of **Montana's Dispute Resolution Handbook** for more information. Again, any request for mediation or a hearing will not affect your family's services.

## Questions?

For more information about your rights or to talk to someone about your concerns, contact the Montana Milestones Part C Coordinator:

Phone: 406-522-2261  
1625 11<sup>th</sup> Avenue, P.O. Box 4210  
Helena, MT 59604

## What the Law Says

There is a federal law called the **Individuals with Disabilities Education Act (IDEA)** that governs special education for children with disabilities or developmental delays. Part C of this law covers services for infants and toddlers and guarantees certain rights, called procedural safeguards, for their families. Families' rights under IDEA begin from the point of referral to Montana Milestones Part C Early Intervention Program. Montana Milestones does not discriminate on the basis of race, culture, religion, income level, or disability.

## Contact Us

If you would like a complete copy of IDEA go to <https://dphhs.mt.gov/ecfsd/ChildCare/montanamilestones/index> and click on *Important Resources and Forms* to find Montana Part C Rules and Regulations. You may also call the Part C Coordinator to request a printed copy.

Phone: 406-522-2261

