

Retention and Destruction of EI Records

Your EI service provider is required keep your child's EI records until your child's ninth birthday. The EI service provider may retain your child's EI records longer than this unless you ask that the records be destroyed after your child's ninth birthday.

EI may retain a permanent record of your child's name, date of birth, your contact information, names of EI Service Coordinators and providers who have worked with your family, and exit data (including year and age upon exiting, and any programs entered into after exiting) without time limitation.

For additional guidance on your rights regarding your child's EI records, contact the DCY at ei@childrenandyouth.ohio.gov. For additional guidance regarding FERPA, contact the Family Compliance Office in the U.S. Department of Education at 202-260-3887.

Resolving Disputes

If you have a disagreement about something in EI, there are many ways to resolve it. The easiest and fastest way is to work with your local EI program through your EI Service Coordinator or the EI contract manager in your county to find a solution to the disagreement.

Your EI Service Coordinator's contact information is on this brochure. Find information about your local EI program's leaders on the EI website: ohioearlyintervention.org.

If you prefer not to work through your local EI program, contact DCY's EI staff at ei@childrenandyouth.ohio.gov.

You may file a complaint with DCY and ask the department to investigate the complaint, go through mediation, or have a due process hearing. Your complaint must be signed and in writing. It must include a description of what has happened and which rules or rights have been violated.

Complaints should be sent to:

Ohio Early Intervention
Ohio Department of Children and Youth
P.O. Box 183204
Columbus, Ohio 43218

Investigation

If you want DCY to investigate your complaint, the department will request information from you and your EI provider, review all of the relevant information, and make a final written determination within 60 days about whether there has been a violation of your rights or the EI rules. The final determination will include details about what DCY has done and will do to correct any problems.

Mediation

Mediation is voluntary on the part of both you and your EI provider. If you want to use mediation and your EI provider agrees to participate, DCY will provide a qualified and impartial mediator to oversee the process. DCY pays the cost of the mediator, and the mediation must be at places and times that are convenient for the participants.

Due Process Hearing

A due process hearing is a more formal process. You may hire an attorney to represent you, but this is not a requirement. In a due process hearing, an impartial due process hearing officer will review the complaint, listen to the participants, review additional information, and provide a written decision within 30 days of receiving the complaint. DCY pays the cost of the due process hearing officer, and the hearing must be at places and times that are convenient for the participants.

Visit ohioearlyintervention.org/federal-and-state-regulations to learn more about IDEA and the state rules for Ohio's EI program.

My EI Service Coordinator:

Contact info:



Mike DeWine, Governor
State of Ohio

Kara B. Wentz, Director
Department of Children and Youth
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Parent Rights



**Department of
Children & Youth**

Help Me Grow Early Intervention

Introduction

Parents of children in Early Intervention (EI) have many rights and protections under the Individuals with Disabilities Education Act (IDEA).

The Ohio Department of Children and Youth (DCY) and its local partners make up the EI system in Ohio and are responsible for implementing these rights and protections. Many of them apply even if your child is found ineligible for EI.

This brochure will provide your family with information about those rights and protections as well as what to do if you have a disagreement about something in EI. The forms used in EI explain these rights and protections in greater detail. In addition, your EI Service Coordinator will also explain them and answer any questions you may have.

Prior Notice and Consent

You will receive information about certain activities delivered by the EI system ahead of time and in writing. This is called “prior written notice.” The prior written notice gives you time to decide if you want to go through with a particular activity. If you want to begin the activity right away, you can waive this waiting period. After you decide to go through with activities, you will give your permission in writing.

This permission is called “consent.” Your consent is voluntary and may be revoked at any time. The EI system will ensure your questions about any activity have been answered before you give consent. Please ask your EI Service Coordinator or anyone else working with you any questions you have. Prior written notice and consent applies to

- developmental screenings;
- child evaluations;
- child and family assessments;
- determination of eligibility; and
- beginning or changing services on your Individualized Family Service Plan (IFSP).

You will receive prior written notice whenever a service included on your IFSP is ended or you exit from EI.

Some situations will not involve a prior written notice. Consent is still required before the EI system completes certain actions.

The EI system must receive your consent before:

- sharing information about your family outside of the EI system, including your pediatrician;
- holding a transition planning conference; or
- using your public or private insurance to pay for EI services.

It is important to know that an evaluation may be required to determine your child’s eligibility and that child assessment is required before you may be served by the EI system. If you do not consent to child assessment or a required evaluation, your child will not be able to be served by the EI system.

EI Records and Your Privacy

Because the EI system contains information about you and your child, you have rights associated with the records maintained by the EI system. These records are considered your child’s EI record and include information about evaluations and assessments, medical information related to your child’s eligibility for EI, services on your IFSP, copies or originals of the EI forms you have filled out and signed, and documentation of communications between you and your EI providers.

You have many rights related to your family’s EI records. These include your right to:

- request copies of your child’s EI records;
- inspect and review your child’s EI records within 10 calendar days of your request;
- have a representative inspect and review your child’s EI records;
- receive explanations and interpretations of your child’s EI records;
- have a list of the types and locations of EI records collected, maintained, or used;
- request that the EI service provider amend your child’s EI record; and
- receive a due process hearing if the provider refuses to amend your child’s EI record.

You will receive (at no cost) a copy of the eligibility determination within 5 days of the activity, and the IFSP within 10 days after each IFSP meeting. You will not be charged a fee to retrieve your EI records; however, your provider may charge a fee for copies of EI records that are made for you as long as the fee does not prevent you from exercising your right to inspect and review those records.

Because of the private nature of the information in your EI record, people working in the EI system who have access to that information must keep it private. Agencies that maintain EI records about your family must keep a list of the types and locations of the EI records they collect and maintain. People in the EI system who have access to your EI record can only disclose your personally identifiable information (PII) to other people working in the EI system and only to the extent necessary to provide EI services to your family. If you want your PII shared outside of the EI system, you must first provide consent.

However, the Family Educational Rights and Privacy Act of 1974 (FERPA) allows your EI service provider to disclose PII without parent consent in some situations. These include:

- the required IDEA notification to your local school district and the state education agency. This is limited to your contact info and your child’s name and date of birth;
- organizations conducting studies for, or on behalf of, educational agencies and institutions for the purposes of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction;
- any entity or person designated by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or a state or local educational authority to conduct any audit, evaluation, compliance, or enforcement activity with respect to any federal legal requirements that relate to any federal or state-supported educational program
- an agency caseworker or other representative of a state or local child welfare agency when that person is legally responsible for the care and protection of the child; and
- a court in response to a lawfully issued subpoena or judicial order.

When someone outside of the EI system has accessed your EI record, the agency that maintains the record must keep documentation of who accessed the record, when, and for what purpose.