

INFANT TODDLER EARLY INTERVENTION PROCEDURAL SAFEGUARDS

BUREAU of EARLY INTERVENTION SERVICES AND FAMILY SUPPORTS
717-346-9320

The Individuals with Disabilities Education Act (IDEA), the Federal law concerning the education of children with disabilities, requires the local Early Intervention program to provide parents of an infant or toddler with a developmental delay or disability with this notice containing a full explanation of the procedural safeguards available under the PA Early Intervention, IDEA and the U.S. Department of Education regulations.

For more information: the Office of Child Development and Early Learning, Bureau of Early Intervention Services and Family Supports can be contacted to describe the options that are available to parents; inform the parents of procedural safeguards; identify other agencies and support services; and describe available remedies and how the parents can proceed.

In addition to this Procedural Safeguards document, Early Intervention Programs should also provide a copy of the publication entitled, "Problem Solving in Early Intervention." This publication is available at www.pattan.net.

Family Educational Rights and Privacy Act (FERPA)

The following information summarizes your rights and privileges under the Family Educational Rights and Privacy Act of 1974 (FERPA). This is a federal law which protects the confidentiality of a child's educational records by limiting their disclosure. FERPA guarantees parents certain rights which are described below.

1. **Access to records:** You have the right to inspect and review your child's records and to receive a copy of the records.
2. **Amend information in records:** You have the right to request that your child's Early Intervention records be changed if they are inaccurate or misleading, and to have a hearing if that request is refused.
3. **Disclosure of personally identifiable information:** Generally, the Early Intervention program must have written permission from the parent in order to release any information from a child's educational record. However, FERPA allows Early Intervention programs to disclose those records, without consent, to the following parties or under the following conditions:
 - a. Early Intervention officials with legitimate educational interest
 - b. Dissemination of directory information (e.g., child's name, DOB, and parent contact information)
 - c. Other Early Intervention program to which a child is transferring
 - d. Specified officials for audit or evaluation purposes
 - e. Organizations conducting certain studies for or on behalf of the Early Intervention program
 - f. To the courts to comply with a judicial order or lawfully issued subpoena
 - g. Appropriate officials in cases of health and safety emergencies

4. **Complaints:** If you believe that the Early Intervention program does not comply with FERPA or does not guarantee your rights outlined above, you may file a letter of complaint with the federal office in charge of enforcing the Act at the address below:
Family Policy Compliance Office
U. S. Department of Education
400 Maryland Avenue
Washington, DC 20202-8520
1-800-872-5327
5. **Policy:** A complete copy of the FERPA legislation is available at your request. You may receive a copy by contacting your Early Intervention program or <https://studentprivacy.ed.gov/ferpa>.

Parental Consent and Notice

1. **Prior written notice:** You have the right to prior written notice before the Early Intervention program proposes, or refuses, to initiate or change the identification, evaluation, or placement of your child or the provision of Early Intervention services.
2. **Parental consent:** You must provide consent before any screening, evaluation or assessment; before Early Intervention services are provided; before public benefits or insurance or private insurance is accessed; and prior to the disclosure of personally identifiable information.

Understanding the Early Intervention Data System

The Office of Child Development and Early Learning (OCDEL), through the Bureau of Early Intervention Services and Family Supports (BEISFS), has electronic information management systems, which are used to maintain individual child records in the Early Intervention program.

What is the Early Intervention data system?

PELICAN (Pennsylvania's Enterprise to Link Information for Children Across Networks) is the name of OCDEL's information management system. It is used to manage all the records of children receiving Early Intervention services across the Commonwealth. The information that is entered into PELICAN is based on the information families provide to service coordinators or Early Intervention service providers about their child through conversation, correspondence and meetings. The PELICAN system contains:

- Demographic information about children (i.e. name, address, contact information, date of birth)
- Evaluation information
- Information about family routines and activities so that OCDEL can match the services to the child's natural settings
- Individualized Family Service Plans (IFSP) and Individualized Education Programs (IEP)
- Transition plans

To make sure there is only one identifying number assigned to each child, the Early Intervention program will ask families to provide the child's Social Security Number (SSN). The child's SSN ensures the proper identification of a child's information, especially if it already exists in other statewide data systems. This prevents families from providing the same information repeatedly. However, providing the child's SSN is not required to receive Early Intervention services.

Why is information collected in a data system?

Child information is collected to allow for effective program management and accountability including:

- Assessing the effectiveness of Early Intervention programs and services in supporting children and families both at the state and local level
- Identifying best practices and areas for improvement at the state level
- Completing mandatory state and federal reports
- Making provider payments.

What are the benefits of an electronic data system to families?

Families will not have to give the same information repeatedly as they move through the Early Intervention program. Each child record in the information management system will be assigned one identifying number. This means that each child receiving services will have only one record in the statewide data system, regardless of how they entered the system or what services they receive.

Maintaining a child's record through an information management system allows the record to be accessible to his/her IFSP or IEP team. It also allows for a smooth exchange of information when a child transitions from one program to another, as the child's record may be shared quickly with a new program (with parental consent).

Data systems promote and assure:

- Quality services for children
- Program accountability to ensure all resources are used wisely and effectively
- Anticipation of changing needs
- Continuity of data across programs

Who has access to a child's information?

Child information contained in the information management system is kept confidential and only persons authorized by federal and state confidentiality, privacy, and security laws have access to the records. Data in PELICAN is protected by security protocols, which require secure and encrypted servers, unique usernames with strong passwords and user roles that are assigned specific security roles and access. This means that:

- Only the staff directly involved with a specific child has access to that child's information.
- State personnel have limited access to child information for the purposes of monitoring the delivery of Early Intervention services.
- Information about a child will not be shared outside a program, except as permitted by law with parental consent.

- Families have the right to inspect and review Early Intervention records relating to their child and request an amendment to inaccurate information in a record. A copy of a child's record is also available to families upon request and is kept for a period of four years.
- As permitted by law, for transition purposes, a child's name, date of birth and parent contact information will be shared with the preschool Early Intervention program during a transition year to assist with planning purposes.

Who should families contact with questions about their child's record in these data systems?

Families should call their child's service coordinator should they have any concerns regarding the collection of child information in PELICAN. Families may also contact OCDEL by calling 717-346-9320.

Dispute Resolution

Families sometimes have concerns about their child's EI services. Procedural safeguards are in place to help them resolve these issues through a process known as dispute resolution. There are several options available for families for addressing concerns that can be found in [Problem Solving in Early Intervention](#). Initially, parents/caregivers should contact their Service Coordinator to discuss any questions or concerns about their child's EI services at the local level.