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Access to & Examination of Records

Modules on Part C's Procedural Safeguards



Introduction to
Procedural Safeguards

→ Access to § Examination
of Records

This module looks at...

Parental right to:

- Inspect & review their child's early intervention records
- Ask that the records be amended
- Request a hearing to challenge information in their child's record



Quick Summary of Confidentiality Provisions



- Parents have the right to confidentiality of **personally identifiable information**
- Participating **agencies must comply** with Part C's confidentiality provisions and the State's policies
- All people collecting or using PII in Part C must receive **training** or instruction re: State's confidentiality policies

Access Rights of Parents



Parents must be permitted to –

inspect & review any early intervention records relating to their children

that are collected, maintained, or used by the agency under Part C

Access Rights of Parents



If a parent asks to inspect
& review child's records,
the agency must comply—

- without unnecessary delay
- before any meeting about the IFSP or any due process hearing

& in no case more than 10 days after the request has been made

Access Rights of Parents

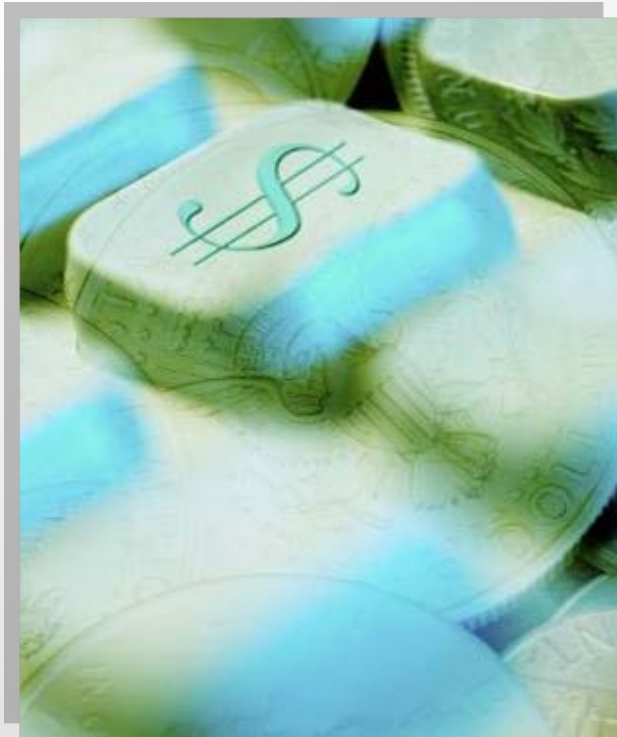


The right to inspect & review includes:

- the right to a response from the agency to reasonable requests for **explanations & interpretations** of the early intervention records
- the right to request copies of records*
- the right to have a representative of the parent inspect & review the records

* if failure to provide those copies would effectively prevent the parent from exercising the right to inspect & review the records

Fees for Records



The agency:

- **may** charge a fee for copies of records made for parents*
- **may not** charge a fee to search for or retrieve this information
- **must** provide—at no cost to parents—a copy of each evaluation, assessment, & IFSP as soon as possible after each IFSP meeting

* if the fee does not effectively prevent the parents from exercising their right to inspect & review those records

Amending the Records at Parent Request

If a **parent** who believes that information in the early intervention records is...



- inaccurate,
- misleading, or
- violates the privacy or other rights of the child or parent

...the parent **may request** that the agency maintaining the information **amend** it

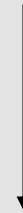
Amending the Records at Parent Request

The agency must decide whether to amend the information as requested

If “no,” the agency **must**:

- inform the parent of that refusal, and
- advise the parent of the right to a hearing

The question to be answered in a hearing



Is the information in the child’s records inaccurate, misleading, or in violation of the privacy or other rights of the child or parent?

Is the information in the child's records inaccurate, misleading, or in violation of the privacy or other rights of the child or parent?



The agency **must** —

- **amend** the information accordingly, &
- **inform** the parent in writing that it has done so



The agency **must** inform parent of the right to **place a statement** in child's early intervention records

Any explanation placed in the early intervention records of the child **must be**—

Maintained by the agency

as part of the child's records as long as the record or contested portion is maintained by the agency

If records are disclosed

If the records or the contested portion are disclosed by the agency to any party—

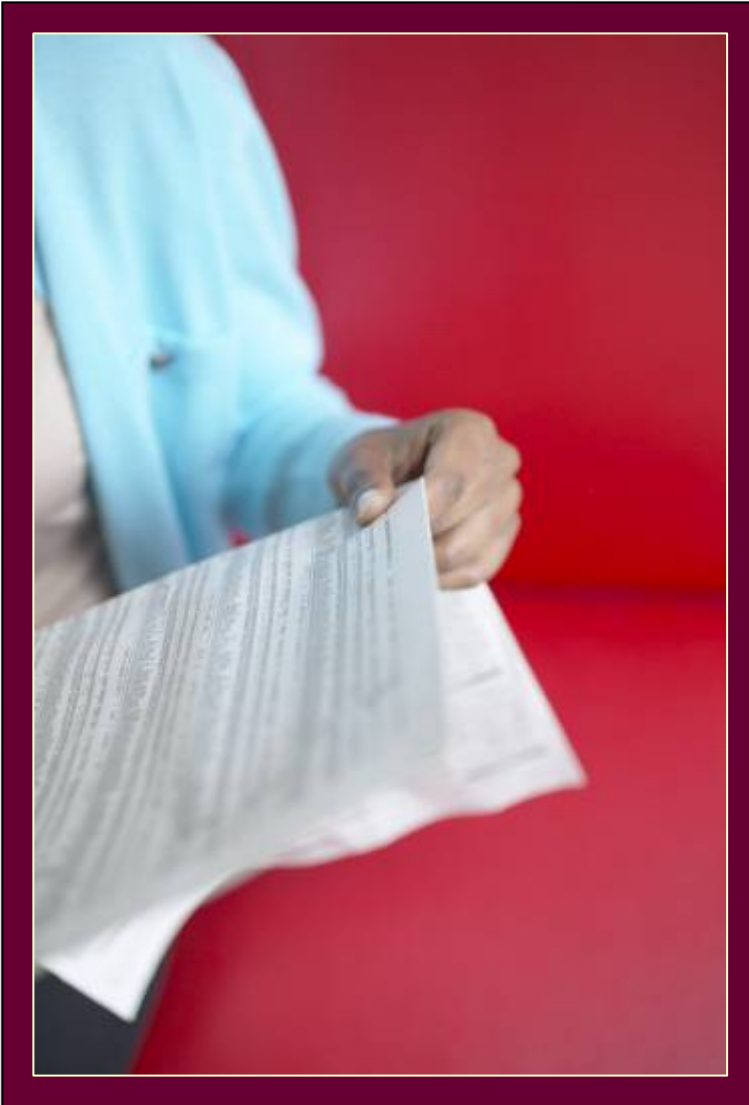
—the explanation **must also** be disclosed to the party



Final Points



Record of Access



Each agency **must keep a record** of parties obtaining access to early intervention records –

name, date of access, §
purpose for which the party
is authorized to use the
early intervention records

Exceptions:

Parents, authorized representatives
and employees of the agency

Parental Consent for Disclosure or Use

When is **parental consent** needed to disclose or use personally identifiable information?

Prior parental consent is **required** before PII may be:

- disclosed to anyone other than those authorized
- used for any purpose other than meeting a requirement of Part C

Note that there are **exceptions**

Records on More Than One Child

If any early intervention record includes information on more than one child—

Parents of those children have the right to:

- inspect & review *only* the info relating to their child

or

- be informed of that specific information





Roundup Time!