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
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:

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
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
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—

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

or

be informed of that specific information

Parents of those children have the right to:
Roundup Time!