



FAMILY RIGHTS HANDBOOK

Department of Health and Senior Services (DHSS)
Lead Agency for New Jersey's Early Intervention System

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These rights are protected by federal and state laws. These laws include rules or procedural safeguards that are intended to protect those rights. This booklet contains the family rights that govern the early intervention process for children and their families in the New Jersey Early Intervention System.

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INTRODUCTION

The "Family Rights Handbook" describes your child's and family's rights, as defined by Part C of the Individuals with Disabilities Education Act (IDEA). IDEA is a federal law that includes provisions for early intervention services for eligible children starting at birth and their families. These provisions are described in federal regulations. To support the implementation of these federal requirements, New Jersey enacted compatible legislation P.L. 1993, Chapter 309 and promulgated state rules under New Jersey Administrative Code, Title 8, Chapter 17, Early Intervention System (NJEIS Rules). New Jersey also has developed and is implementing policies and procedures that meet these federal and state Part C requirements.

The "Family Rights Handbook" uses language contained in the federal Part C regulations at 34 CRF Part 303. As you review the rights contained in the document, you are encouraged also to look at and consider the relevant NJEIS Rules at N.J.A.C. 8:17. To assist you in this process, the relevant citations to the NJEIS Rules are provided in each section of this document.

While the NJEIS Rules are consistent with the federal Part C regulations, you will note in some instances the language used is different. These differences reflect the unique aspects of the NJEIS and are written to be responsive to New Jersey families. Although you will occasionally see differences in the language used in the NJEIS Rules at N.J.A.C. 8:17, please note that the language is intended to convey the same meaning as the federal regulations. In addition, in some instances the NJEIS Rules include language that clarifies terms that are not defined within federal regulations.

Because this document is an official notice of your rights under federal law and regulations, some terms may be unfamiliar to you. For this reason, some words are defined for you. Sometimes terms are defined where they are used in the document. These defined terms and others also are included in the glossary at the end of this document. The service coordinator working with your family can suggest additional materials to help you understand your rights. He/she can also suggest ways that you and other family members can be partners with practitioners to help meet the developmental needs of your child.

The Department of Health and Senior Services (DHSS), the state lead agency, is committed to maximizing family involvement in each step in the New Jersey Early

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Intervention System (NJEIS). As part of ensuring your involvement in decision-making and maintaining the partnerships so critical to the success of the program, DHSS highly recommends that all parties work together to resolve disagreements that may arise. Parent liaisons are available through the Procedural Safeguards Office to advise you of your rights under NJEIS and to help you understand the options available when disputes arise. You can work with staff from Regional Early Intervention Collaboratives (REICs), service providers/practitioners, and the system's parent liaisons to resolve concerns.

If you decide to request formal dispute resolution, DHSS offers multiple options for the formal resolution of disagreements. Safeguards or rights have been established to protect you and your child. These rights are provided through laws include implementing regulations at 34 CFR 303.400-460 (Part C Procedural Safeguards under IDEA), 34 CFR 300.610-627 (Confidentiality of Information under IDEA) and 34 CFR Part 99 of the Family Educational Rights and Privacy Act (FERPA). The early intervention system must inform you about these rights or safeguards so you can have a leadership role in services to your child. These rights are also contained in the NJEIS Rules.

Under Part C in New Jersey, you, as a parent, have the following rights and safeguards:

- With your written consent, the right for your child and family to have a multidisciplinary evaluation and assessment and an initial meeting for the development of an Individualized Family Service Plan (IFSP) within forty-five (45) calendar days from referral;
- If eligible under Part C and with your written consent, the right to appropriate early intervention services for your child and family as addressed in an IFSP;
- The right to evaluation, assessment, IFSP development, service coordination and procedural safeguards at no cost. You may be charged for other early intervention services on a sliding fee schedule and, if authorized by the parent, private and/or public insurance may be billed. However, your inability to pay will not prevent your child or your family from receiving services;
- The right to refuse evaluations, assessments and services including a refusal of some portion of the IFSP services;

In New Jersey, "appropriate early intervention services" are determined through the IFSP process. The IFSP must include a statement of the specific early intervention services necessary to meet the unique needs of the child and the family to achieve the outcomes identified in the IFSP.

Federal regulations define early intervention services as services that "are designed to meet the developmental needs of each child eligible under this part and the needs of the family related to enhancing the child's development."

- The right to be invited to and participate in all meetings in which a decision is expected to be made regarding a proposal to change the identification, evaluation, or placement of your child or the provision of early intervention services to your child or family;
- The right to receive written notice 10 calendar days before a change is proposed or refused in the identification, evaluation, or placement of your child, or in the provision of early intervention services to your child or family;
- The right for your child to receive services in natural environments within your family's routines to the maximum extent appropriate to meet his/her needs;
- The right to maintenance of the confidentiality of personally identifiable information;
- The right to inspect and review and, if appropriate, amend records;
- The right to request mediation and/or an impartial hearing to resolve parent/provider disagreements; and
- The right to file an administrative complaint.

In addition to the general rights noted above, you are entitled to be notified of specific procedural safeguards under the NJEIS. These safeguards include: Informed Parental Consent, Prior Notice, Examination of Records, Confidentiality of Information, Mediation, Impartial Hearings, Administrative Complaints and Surrogate Parents. Each of these safeguards is described below.

1. THE RIGHT TO INFORMED PARENTAL CONSENT

34 CFR 303.401 and 303.404 and N.J.A.C. 8:17-4.2

Consent means that:

- You have been fully informed of all information relevant to the activity for which consent is sought, in your native language or other mode of communication;
- You understand and agree in writing to the carrying out of the activity for which your consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
- You understand that the granting of consent is voluntary on your part and in accordance with the Open Public Records Act may be revoked at any time.

<p>Native Language, where used with reference to persons of limited English proficiency, means the language or mode of communication normally used by the parent of an eligible child.</p>
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Your written consent must be obtained before:

- The initial evaluation and assessment of your child is conducted; and
- Initiating the provision of early intervention services.

If you do not consent, the agency or local service provider participating in Part C shall make reasonable efforts to ensure that you:

- Are fully aware of the nature of the evaluation and assessment or the services that would be available; and
- Understand that your child will not be able to receive the evaluation and assessment or services unless consent is given.

In addition, as the parent of a child eligible under the NJEIS, you may determine whether you, your child or other family members will accept or decline any early intervention services under this program in accordance with New Jersey law and federal regulations. Participation in the Part C early intervention system for infants and toddlers is voluntary for you and your family.

You may:

- Accept all services agreed to on the IFSP;
- Decline all services agreed to on the IFSP; or
- Accept one or some of the services agreed to on the IFSP and decline other service(s).

You may also decline a service after first accepting it without jeopardizing other early intervention services under this program.

Finally, you have the right to written notice of and written consent to the exchange of any personally identifiable information collected, used, or maintained under the NJEIS. (See section on Confidentiality of Information.)

2. THE RIGHT TO WRITTEN PRIOR NOTICE

34 CFR 303.403 and N.J.A.C. 8:17-4.1

Written prior notice must be given to you within 10 calendar days before a provider agency or service provider participating in NJEIS proposes or refuses to initiate or

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change the identification, evaluation, or placement of your child or the provision of appropriate early intervention services to your child and your family.

The notice must be sufficiently detailed to inform you about:

- The action that is being proposed or refused;
- The reasons for taking the action;
- All procedural safeguards that are available under the program; and
- The state complaint procedures, including a description of how to file a complaint and the timelines under those procedures.

The written notice must be:

- Written in language understandable to the general public and provided in your native language unless it is clearly not feasible to do so.
- If your native language or other mode of communication is not a written language, the provider agency, or service provider participating in the NJEIS shall take steps to ensure that:
 - The notice is translated orally or by other means to you in your native language or other mode of communication;
 - You understand the notice; and
 - There is written evidence that the requirements of this section have been met.
- If you are deaf, blind, or have no written language, the mode of communication must be that normally used by you (such as sign language, Braille, or oral communication).

3. THE RIGHT TO EXAMINE RECORDS

34 CFR 303.402 and N.J.A.C. 8:17-12.2

In accordance with the confidentiality of information procedures outlined in this booklet, you must be afforded (given) the opportunity to inspect and review records relating to evaluations and assessments, eligibility determinations, development and implementation of IFSPs, individual complaints dealing with your child, and any other area of the NJEIS involving records about your child and your family.

4. THE RIGHT TO CONFIDENTIALITY OF INFORMATION 34 CFR 303.460 and 34 CFR 300.610-627 and *N.J.A.C. 8:17-12*

Each provider agency participating in the NJEIS must permit you to inspect and review any early intervention records relating to your child that are collected, maintained or used by the agency under Part C. The agency shall comply with a request without unnecessary delay and before any meeting regarding an IFSP or hearing relating to identification, evaluation, or placement or the provision of appropriate early intervention services to your child and, in no case, more than 45 calendar days after the request has been made.

Right to Inspect and Review

You have the right to inspect and review only the information relating to your child, or to be informed of that specific information if any record includes information on more than one child.

The right to inspect and review records include:

- The right to a response from the provider agency participating in the NJEIS to reasonable requests for explanations and interpretations of the record;
- The right to request that the agency provide copies of records containing the information if failure to provide copies would effectively prevent you from exercising the right to inspect and review the records; and
- The right to have someone who is representing you inspect and review the record with your written consent.

An agency may presume that you have the authority to inspect and review records relating to your child unless the agency has been advised that you do not have the authority under applicable New Jersey law governing such matters as guardianship, separation and divorce.

Each provider agency participating in the NJEIS shall keep a record of parties obtaining access to early intervention records collected, maintained, or used under NJEIS (except access by you and

Definitions used in this section:

- "Destruction" means physical destruction or removal of personal identifiers from information so that it is no longer personally identifiable;
- "Education Records" or "records" means the records covered by the Family Education Rights and Privacy Act of 1974 (FERPA); and
- "Participating agency" means any agency or institution which collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part C.

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authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the record.

Each provider agency participating in NJEIS shall provide you, upon request, a list of the types and locations of early intervention records collected, maintained, or used by the agency.

A provider agency participating in NJEIS may charge a fee for copies of records that are made for you under NJEIS, so long as the fee does not effectively prevent you from exercising your right to inspect and review those records. In accordance with the Open Public Records Act (OPRA), copy fees may be assessed pursuant to NJSA 47:1A-5. A provider agency participating in NJEIS may not charge a fee to search for or to retrieve information under NJEIS.

If you believe that information in early intervention records collected, maintained, or used under NJEIS is inaccurate or misleading, or violates the privacy or other rights of your child or family, you may request the agency participating in NJEIS that maintains the information to amend the information.

- The agency must decide whether to amend the information in accordance with the request within a reasonable period of time after it receives the request.
- If the agency refuses to amend the information as you request, you will be informed of the refusal and be advised of the right to a hearing.

The DHSS, on request, shall provide an opportunity for a hearing to challenge information in early intervention records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child. A hearing held under this section must be conducted according to the procedures under the Family Education Rights & Privacy Act (FERPA), regulations at 34 CFR 99.22

- If, as a result of the hearing, the DHSS decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child or family, it shall amend the information accordingly and will inform you in writing.
- If, as a result of the hearing, the DHSS decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child or family, you will be informed of your right to place in the records

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maintained on your child, a statement commenting on the information and setting forth any reasons for disagreeing with the decision.

- Any explanation placed in the early intervention records of your child under this section must:
 - Be maintained by the provider agency participating in NJEIS as part of the records of your child as long as the record or contested portion (that part of the record with which you disagree) is maintained by such agency; and
 - If the records of your child or the contested portion are disclosed by such agency to any party, the explanation must also be disclosed to the party.

Consent to Release Information

Your consent must be obtained before personally identifiable information is:

- Disclosed to parties, other than officials of participating agencies, unless the information is contained in early intervention records, and the disclosure is authorized without parental consent under 34 CFR Part 99; or
- Used for any purpose other than meeting a requirement under NJEIS.

Personally identifiable is information that includes: (1) the name of your child, your name, or the name of other family members; (2) the address of your child; (3) a personal identifier, such as your child's or your social security number; or (4) a list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

Each agency participating in NJEIS must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each agency participating in NJEIS must assume responsibility for insuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding NJEIS policies and procedures that must comply with IDEA and FERPA.

Each agency participating in NJEIS must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information.

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The agency participating in NJEIS must inform you when personally identifiable information collected, maintained, or used under NJEIS is no longer needed to provide services to your child.

The information must be destroyed, at your request. (Permanent records of your child's name, address, phone number, attendance and year completed may be maintained without time limitations.)

5. THE RIGHT TO FORMAL DISPUTE RESOLUTION

The DHSS has designated the state Early Intervention Procedural Safeguards Office, herein referred to as the Procedural Safeguards Office, to ensure the resolution of disputes within the Early Intervention System. Formal options for resolving disputes include mediation, impartial hearings and complaints. All requests for complaint investigation and resolution, mediation, and/or due process hearing, are to be filed with the Procedural Safeguards Office consistent with these procedures.

Mediation

34 CFR 303.419 and N.J.A.C. 8:17-13.3 through 13.7.

A statewide mediation system is available to ensure that you may voluntarily access a non-adversarial process for the resolution of individual disputes regarding the Early Intervention System. Mediation is available for any type of dispute arising under Part C including any matters prior to the filing of a complaint, in accordance with IDEA, Section 615e. Mediation is voluntary on the part of all parties. The Procedural Safeguards Office identifies individual mediators to provide early intervention mediation services. Mediators are required to undergo training as a condition of serving as mediators. The Procedural Safeguards Office shall maintain a list of qualified and impartial mediators who are trained in effective mediation techniques and are knowledgeable in laws, regulations and policies and procedures related to the provision of early intervention services.

An individual who serves as a mediator under NJEIS:

- May not be an employee of the DHSS or a provider agency that is involved in the education or care of the child; and
- Must not have a personal or professional interest that conflicts with the person's objectivity.

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A person who otherwise qualifies as a mediator is not an employee of the DHSS or a provider agency solely because he or she is paid by DHHS to serve as a mediator. The Procedural Safeguards Office shall select mediators on a random, rotational, or other impartial basis.

Mediation cannot be used to deny or delay your right to a due process hearing or any other rights afforded under NJEIS. You can request mediation alone or simultaneously with a request for a due process hearing and may refuse or withdraw from the mediation process at any time. You may also file a request for mediation when filing a complaint.

A request for mediation shall be in writing, signed and dated by you or, with your consent, your representative. If you wish to file a request for mediation, it is the responsibility of the service coordinator and/or the REIC to assist you, in your native language and/or mode of communication to the maximum extent possible, to prepare the request in written form. If your primary mode of communication is sign language or Braille, the request can be made utilizing your primary mode of communication.

If any party other than you requests mediation, it may only be initiated with your consent. Once your written consent has been obtained to engage in mediation, evidence of that written consent shall be attached to the request for mediation. The REIC or service provider/agency's request that you agree to participate in mediation shall be made in writing in your native language, to the maximum extent possible, and in a manner understandable to you.

The mediation process, including issuance of a written mediation agreement, shall be completed within 30 calendar days of the receipt of the request for mediation unless the mediation was requested at the same time as a due process hearing or complaint investigation. In that case, the mediation must be completed within 15 calendar days to ensure adequate time for completion of the due process proceeding or complaint investigation.

Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.

If the parties resolve a dispute through the mediation process, the parties must execute a legally binding agreement that sets forth that resolution and that:

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- States that all discussions that occurred during the mediation process shall remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
- Is signed by both the parent and a representative of the agency who has the authority to bind such agency.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States.

Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal court or State court of a State receiving assistance under Part C.

The State must bear the cost of the mediation process, including the costs of meetings described above.

Due Process Hearings

34 CFR 303.420-303.425 and *N.J.A.C. 8:17-13.8-14.*

A statewide impartial hearing system is available to ensure that you may access a fair process for the resolution of individual disputes regarding the provision of early intervention services including identification, evaluation and assessment, eligibility determination, placement or the provision of appropriate early intervention services.

The Procedural Safeguards Office shall identify panels of impartial hearing officers to conduct due process hearings. Hearing panels are composed of a parent of a child with a developmental delay or disability, an attorney, and a professional in the field of early childhood. Panelists are required to undergo training as a condition of serving as impartial hearing officers.

Hearing officers on the panel appointed to conduct the due process hearing must:

- Have knowledge about the provisions of Part C and the needs of, and services available for, eligible children and their families; and
- Perform the following duties:
 - Listen to the presentation of relevant views about the complaint/disagreement, examine all information relevant to the issues, and seek to reach a timely resolution of the disagreement; and

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- Provide a record of the hearing proceedings, including a written decision.

Hearing officers on the panel used in a due process hearing must be "impartial."

"Impartial" means that the persons appointed to serve as panel members:

- Are not employees of any agency or program involved in providing early intervention services or care of the child; and
- Do not have a personal or professional interest that would conflict with their objectivity in implementing the process.

A person who otherwise qualifies as a member of the panel is not an employee of DHSS or a provider agency solely because the person is paid by the DHSS to implement the disagreement resolution process.

Under the NJEIS program, you are given the rights listed below in any due process hearing carried out under this section.

- To be accompanied and advised by counsel and by individuals with special knowledge or training with respect to early intervention services for children eligible under NJEIS;
- To present evidence and confront, cross-examine, and to compel the attendance of witnesses;
- To prohibit the introduction of any evidence at the proceedings that has not been disclosed to you at least five calendar days before the proceeding;
- To obtain a written or electronic verbatim (word by word) transcription of the proceeding; and
- To obtain written findings of facts and decisions.

Any proceedings for implementing the due process hearing process in this section must be carried out at a time and place that is reasonably convenient to you.

No later than 30 calendar days after the Procedural Safeguards Office receives your request for a hearing, the due process impartial proceeding required under this section is completed and a written decision is mailed to each of the parties.

Any party aggrieved (not satisfied) by the findings and decision of the due process hearing has the right to bring a civil action in state or federal court.

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During the pendency (time period) of a due process hearing or during the time it takes to resolve an administrative complaint, your child and family will continue to receive the appropriate early intervention services currently being provided unless a provider agency participating in NJEIS and you agree otherwise. If your dispute involves decisions related to the initial provision of IFSP services, your child and family must receive those IFSP services that are not in dispute.

Administrative Complaints

34 CFR 303.510-303.512 and N.J.A.C. 8:17-13.15-17.

You or your representative, other individuals, or organizations, including an organization or individual from another state, may file a complaint with the Procedural Safeguards Office alleging that an early intervention program, service provider, service coordinator, Regional Early Intervention Collaborative (REICs), the DHSS, or any other state agency involved in the early intervention system is violating or has violated a requirement of federal or state early intervention law or NJEIS policies and procedures.

A complaint must include:

- A statement that an individual, program, or agency has violated a requirement of federal or state early intervention law or NJEIS policies and procedures;
- The facts on which the complaint is based; and
- The signature of the individual filing the complaint, or the signature of an individual authorized to act on behalf of an organization.

The alleged violation must have occurred not more than one year before the date that the complaint is received by the Procedural Safeguards Office unless a longer period is reasonable because:

- The alleged violation continues for that child or other children; or
- The complainant is requesting reimbursement or corrective action for a violation that occurred not more than three years before the date on which the Procedural Safeguards Office receives the complaint.

During the investigation, the Procedural Safeguards Office:

- Makes a determination if an independent on-site investigation is necessary, and conducts such an investigation.

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- Reviews all relevant information, including the results of any on-site investigation, pertinent written records and documents such as forms, reports and files, and any additional information provided by the party(s) and make an independent determination as to whether the public agency is violating a requirement of Part C;
- Gives the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
- Conducts interviews with the complainant, the respondent(s) and any other relevant party including REICs and state agencies, if necessary.
- Make an independent determination as to whether or not a violation of a Part C requirement has occurred after reviewing all relevant information.

Within 60 calendar days of receipt of the complaint, unless exceptional circumstances exist with respect to a particular complaint, the Procedural Safeguards Office shall issue a written determination to the complainant and the named party(s) that addresses each allegation in the complaint and contains:

- Findings of fact and conclusions for each allegation in the complaint and the reasons for the Procedural Safeguards Office's final decision.
- In resolving a complaint in which it finds a failure to provide appropriate services, the lead agency must address:
 - How to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child and the child's family; and
 - Appropriate future provision of services for all infants and toddlers with disabilities and their families.
- If needed, the Procedural Safeguards Office requires the named party(s) to develop and implement a plan of action outlining procedures for effective implementation of the final decision:
 - If needed, technical assistance activities, negotiations, and corrective actions to achieve compliance; and
 - A request and instructions for development and submission of detailed corrective action plan, if necessary, including specifying the date(s) by which corrective actions must be implemented.

If a written complaint is received that is also the subject of a due process hearing or contains multiple issues, of which one or more are part of that hearing, the state must

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set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not part of the due process action must be resolved within the 60-calendar day timeline using the complaint procedures described above.

- If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties:
 - The hearing decision is binding; and
 - The Procedural Safeguards Office must inform the complainant to that effect.
- A complaint alleging a public agency(s) or private service provider(s) failure to implement a due process decision must be resolved through the Procedural Safeguards Office within the lead agency.

Further information on procedures for resolving and/or filing a request for mediation, a due process hearing, or an administrative complaint can be obtained by contacting the DHSS Procedural Safeguards Office using the contact information on the last page of this document.

6. THE RIGHT TO A SURROGATE PARENT

34 CFR 303.406 and N.J.S.A. 8:17-5.1-4

The rights of children eligible under NJEIS are protected if:

- No parent, as defined in NJEIS, (see glossary) can be identified;
- The services coordinator, after reasonable efforts, cannot discover the whereabouts of a parent; or
- The child is a ward of the State under the laws of New Jersey.

An individual is assigned to act as a "surrogate" for the parent according to the procedures that follow. The procedures include a method for determining whether a child needs a surrogate parent and assigning a surrogate to the child. The following criteria are employed when selecting surrogates:

- Surrogate parents are selected in the manner authorized by New Jersey law.
- A person selected as a surrogate parent:
 - Has no interest that conflicts with the interest of the child he or she represents;
 - Has knowledge and skills that ensure adequate representation of the child;

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- Is not an employee of any state agency, or a person or an employee of a person providing early intervention services to the child or to any family member of the child; and
- Resides in the same general geographic area as the child, whenever possible.
- A person who otherwise qualifies to be a surrogate parent is not an employee solely because he or she is paid by the public agency to serve as a surrogate parent.

A surrogate parent may represent the child in all matters relating to:

- The evaluation and assessment of the child;
- Development and implementation of the child's IFSPs, including annual evaluations and periodic reviews;
- The ongoing provision of early intervention services to the child; and
- Any other rights established under the NJEIS.

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Assessment	The ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility under Part C to identify: <ul style="list-style-type: none"> ▪ The child's unique strengths and needs and the services appropriate to meet those needs; and ▪ The resources, priorities and concerns of the family and the supports and services necessary to enhance the family's capacity to meet the developmental needs of their infant or toddler with a disability.
Destruction	Means physical destruction or removal of personal identifiers from information so that it is no longer personally identifiable.
Disclosure	To permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic means.
Education Records or Records	Means the records covered by the Family Education Rights and Privacy Act of 1974 (FERPA).
Evaluation	The procedures used by appropriate qualified personnel to determine a child's initial and continuing eligibility under Part C, consistent with the definition of "infants and toddlers with disabilities" in 34 CFR 303.16, including determining the status of the child in each of the developmental areas of cognitive development, physical development, including vision and hearing, communication development, social or emotional development, and adaptive development.
Family	Defined according to each family's definition of itself including significant others.
Family Assessment	Identification of the family's resources, priorities and concerns relative to enhancing the development of the child with parental consent.
IFSP	Individualized Family Service Plan (IFSP): A written plan for providing early intervention services to eligible children/families that: <ul style="list-style-type: none"> ▪ Is developed jointly by the family and appropriate, qualified personnel providing early intervention services; ▪ Is based on the multidisciplinary evaluation and assessment of the child and the assessment of the strengths and needs of the child's family, as determined by the family and as required in 34 CFR 303.322; and ▪ Includes services necessary to enhance the development of the child and capacity of the family to meet the special needs of the child.
Multidisciplinary	The involvement of two or more disciplines or professions in the provision of integrated and coordinated services, including evaluation and assessment activities in 34 CFR 303.322 and development of the IFSP in 34 CFR 303.342.
Native Language	When used with reference to persons of limited English proficiency, means the language or mode of communication normally used by the parent of an eligible child. Native language must be used unless this is not possible.
Natural Environments	Settings that are natural or normal for children who are your child's age and who do not have a disability.
Parent	Parent means: <ul style="list-style-type: none"> ▪ A biological or adoptive parent of a child; ▪ A foster parent, unless State law, regulations, or contractual obligations with

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	<p>a State or local entity prohibit a foster parent from acting as a parent;</p> <ul style="list-style-type: none"> ▪ A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State); ▪ An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or ▪ A surrogate parent who has been appointed in accordance with Part C of the Act. <p>Except as provided below, the biological or adoptive parent, when attempting to act as the parent under Part C and when more than one party is qualified to act as a parent, must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make early intervention decisions for the child.</p> <p>If a judicial decree or order identifies a specific person or persons listed above to act as the "parent" of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the "parent" for purposes of Part C.</p>
Participating agency	Means any agency or institution which collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part C.
Personally identifiable	Is information that includes: (1) the name of your child, your name, or the name of other family members; (2) the address of your child; (3) a personal identifier, such as your child's or your social security number; or (4) a list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.
REIC	In New Jersey, four nonprofit organizations, called Regional Early Intervention Collaboratives (REICs) have been established to plan and coordinate the state's early intervention system at the regional/community level. The REICs are required to have at least 51% family participation on their boards and councils.
Ward of the State.	<p>Ward of the State means a child who, as determined by the State where the child resides, is:</p> <ul style="list-style-type: none"> ▪ A foster child; ▪ A ward of the State; or ▪ In the custody of a public child welfare agency. <p>Ward of the State does not include a foster child who has a foster parent who meets the definition of a parent under Part C.</p>

CONTACT INFORMATION

For help in understanding your rights, you may contact anyone of the following:

New Jersey Early Intervention System Service Coordination Units

Service Coordinator Name:

Telephone Number:

Regional Early Intervention Collaborative (REIC) www.njeis.org

Southern New Jersey Early Intervention Collaborative

Jennifer Buzby, Executive Director

Winslow Professional Building

339 North Route 73, Suite 6

Berlin, NJ 08009

Phone: (856) 768-6747

Serving: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties.

Family Link REIC

Susan Marcario, Executive Director

2333 Morris Avenue, Suite A204

Union, NJ 07083

Phone: (908) 964-5303

Serving: Essex, Morris, Sussex, Union, and Warren Counties.

Mid-Jersey CARES for Special Children REIC

Cynthia Newman, Director of Regional Early Intervention Programs
CNJMCHC, Inc.

2 King Arthur Court, Suite B

North Brunswick, NJ 08902

Phone: (732) 937-5437

Serving: Hunterdon, Mercer, Middlesex, Monmouth, Ocean, and Somerset Counties.

Northeast Regional Early Intervention Collaborative

Patti Ciccone, Executive Director

65 Willowbrook Boulevard, 2nd floor

Wayne, NJ 07470

Phone: (973) 256-8484

Serving: Bergen, Hudson and Passaic Counties.

Family Rights/Early Intervention

NJ Protection & Advocacy, Inc. (NJP&A)

Telephone: (609) 292-9742

Toll Free #: (800) 922-7233

TTY #: (609) 633-7106

www.njpanda.org

Statewide Parent Advocacy Network (SPAN)

Telephone: (973) 642-8100

Toll Free #: (800) 654-7726

www.spannj.org

Department of Health and Senior Services (DHSS)

Procedural Safeguards Office

New Jersey Early Intervention System

P.O. Box 364

Trenton, New Jersey 08625-0364

(877) 258-6585 (Toll Free)

<http://nj.gov/health/fhs/eis/index.shtml>