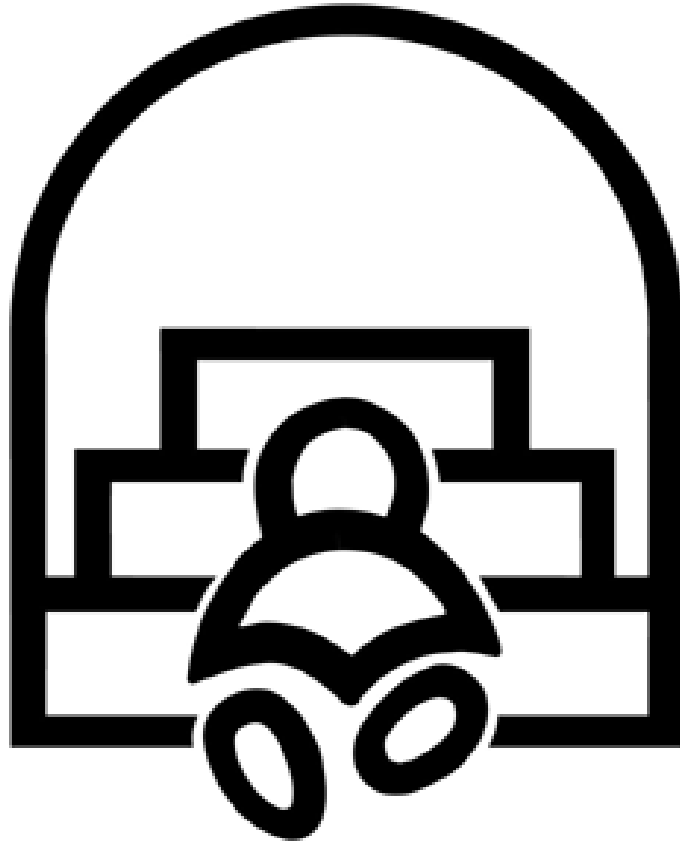


Indiana's Early Intervention System



First Steps

**Service Coordination Orientation Training
Module 2 –
Procedural Safeguards/Advocacy
Participant Materials**

Self-Guided Training for Indiana First Steps Early Intervention System 1/2008

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Introduction

Module One of the Service Coordination Orientation training focused on an overview of Indiana's First Steps System providing information about federal and state regulations for the program as well as the organizational structure of the System and reference sources for service coordinators.

Module Two focuses on the procedural safeguards that are in place to protect the interests of families with infants and toddlers with special needs and of the First Steps Early Intervention System. Additionally, Module Two provides advocacy information for service coordinators to share with parents as well as guidelines for teaching parents to be their own advocate.

Supplemental Materials

To complete Service Coordination Orientation Module 2, you need the following:

- Participant Materials for Module 2
- PowerPoint Slides for this module
- 3-ring binder to store participant materials – assembled in Module One
- Other documents – instructions for printing will be provided in the module

Service Coordinator Orientation Training Objectives

- Understand the need to protect the rights and interests of the children and their families who participate in the First Steps System.
- Know each procedural safeguard and understand its importance to the children and family.
- Understand the importance of advocacy in service coordination.

Procedural Safeguards

The Infants and Toddlers with Disabilities Program (Part C) of the Individuals with Disabilities Education Improvement Act (IDEA) has in place procedural safeguards that are intended to protect the rights and interests of eligible infants and toddlers and their families participating in the Early Intervention System.

The Division of Disabilities and Rehabilitative Services (DDRS), Bureau of Child Development Services (BCDS) is responsible for ensuring effective implementation of these safeguards by each early intervention provider in the state that is involved in the provision of First Steps services. The Local

Planning and Coordinating Councils (LPCCs), System Points of Entry (SPOEs), and all service coordinators **must** comply with these procedural safeguards in all of their dealings with children and families.

Procedural safeguards are the checks and balances of the System, not a piece separate from the System. For families, the safeguards ensure that an IFSP (Individualized Family Service Plan) is created to address the priorities and concerns of the family. For the Early Intervention System, the safeguards ensure quality and equity. For both the families and the System, the safeguards provide an impartial System for complaint resolution (Hurst, 2002).

All families served by First Steps are guaranteed these rights by federal law:

1. Families have the right to an evaluation.

The law provides that all eligible children will receive early intervention, Service Coordination and assessment/evaluation activities without regard to race, culture, religion, disability, or ability to pay. On-going early intervention services are based on a sliding scale fee, or co-pay. Eligibility is decided by an evaluation of the child within 45 days. The evaluation must be done by a multidisciplinary team of two or more qualified professionals who examine the child's medical history, development, and current abilities. If the child is eligible for services, the child and family also have the right to ongoing assessments of the child's strengths, skill levels, progress, and needs.

2. Eligible families have the right to a coordinated plan.

Also within 45 days, each eligible child and family should have a written Individualized Family Service Plan (IFSP) for providing early intervention services that includes the family's resources, priorities, and concerns for their child. It includes the major outcomes for the child and family; how progress will be measured; what and where services will be provided; when they will begin and for how long; methods of payment; and transition upon the child's third birthday.

3. Families have the right to consent.

Consent or permission must be obtained in writing before conducting an evaluation, assessment, or beginning any early intervention services. Parents can choose to not give consent for a particular service without jeopardizing any other services, and they may refuse a service at any time, even after accepting it, without affecting other intervention services.

4. Families have the right to prior notice.

Parents must receive written notice before any changes in early intervention services are started. This notice, which must also inform parents of their rights, must give details of the decision and any reasons for the action. The notice must be in the families native language so they can be fully informed of their rights.

5. Families have the right to privacy.

The law provides for your protection at all times. Any information that personally identifies you, your child, or your family cannot be shared with any other agency without first receiving your permission. You don't have to give your permission, and refusing will not affect your services.

6. Families have the right to review records.

Parents may inspect, review, and amend records relating to their child and family. At any time, a parent may request a copy of their child's records (the System Points of Entry (SPOE) may charge a fee to cover the cost of duplication). Only persons with the parents' written permission can inspect records, and SPOEs must keep a record of anyone who looks at your child's file. If the parents ask that records be amended and the SPOE disagrees, the parents can request a hearing to challenge the information contained in the file.

7. Families have the right to participate.

Parents are important members of their child's early intervention team. So important, in fact, that no meeting where the IFSP for their child is developed, reviewed, or revised can be conducted without a parent present.

8. Families have the right to understand.

The First Steps Early Intervention System does not discriminate on the basis of race, culture, religion, or disability, so all families have the right to receive early intervention information in a manner they can understand. Notices must be written in a way that is understandable to the general public. If English is not the primary language of the family, the family has the right to receive information in their primary language, unless it is clearly impossible to do so. If a family uses another method of communication, such as sign language or Braille, then they have the right to receive information that way.

9. Families have the right to an advocate.

Sometimes, parents find that an IFSP meeting or assessment conference can be stressful or confusing. Parents have the right to bring a friend or advocate along. Parents may also wish to include other service providers who work with their child, i.e. a care giver or another family member.

10. Families have the right to disagree.

If parents and the early intervention services providers disagree, the law provides for a timely resolution with three methods: file a complaint; request mediation or request an impartial due process hearing. While the disagreement is being resolved, the child must continue to receive early intervention services unless the parents and service providers agree otherwise. (For more information about mediation or due process hearings, families can request information by calling (800) 441-STEP.)

Families must be fully informed of their rights and safeguards. The following documents have been written to educate all providers (service coordinators and direct service providers) on the safeguards so that they can maintain compliance with the safeguards while they are working with the children and their families:

- ***A Family's Guide Through Procedural Safeguards (2008)***
 - Procedural Safeguards
 - Sample Letter for Parents
 - First Steps Complaint Procedures
 - First Steps Mediation Procedures
 - First Steps Due Process Hearing Procedures
- ***Families Always Have Rights***
- ***"Privacy and Confidentiality" by Stephan Viehweg and Rylin Rodgers in the March 2007 Training Times***



The **Practice Manual** also contains a listing of the procedural safeguards. Ask your supervisor for the SPOE's copy of the Practice Manual and read the section on procedural safeguards.



1. Print and read each of the 3 documents listed above.
2. Once you have finished reading the documents, answer the questions on the PowerPoint presentation that pertain to each of the documents.

Conflict Resolution

Even though a system is in place to ensure that quality early intervention services are being provided and that effective implementation of procedural safeguards by each service coordinator is occurring, from time to time, allegations are made alleging that quality service is not being provided or that federal and/or state laws, regulations, and/or rules have been violated.

These allegations can come in one of two forms: a complaint or a concern. Complaints must be addressed at the state level, and concerns should be initially addressed to the local cluster, which is the local lead agency. Below are definitions for each type of allegation and procedures for resolving the conflict in each type.

A **complaint** is an alleged violation of federal and/or state laws, regulations, and rules governing the First Steps System. Indiana has in place a system which defines the due process procedures for violations of these federal and state laws, regulations and rules.

- The complaint must be in writing indicating the allegations of violation(s) and the factual circumstances on which the allegations are based.
- These written complaints must be signed by the complainant(s) and be submitted to the Division no later than one (1) year after the date of the alleged violation.
- The Division must follow the due process procedures as stated in the Indiana Administrative Code to reach a resolution.

A **concern** is an alleged violation of the terms of the provider contract, of improper or inappropriate provider practice, or of a violation of the First Steps guidelines. Concerns are those issues that do not rise to the level of a complaint or do not contain the required elements of a complaint, which would be the violation of a state and/or federal law, regulation, and/or rule. Examples of a concern would be

- the failure of the service coordinator or direct service provider to submit IFSP progress reports within the designated timeframes.
- a service coordinator or direct service provider who frequently no shows the family.
- a service coordinator or direct service provider who does not return calls in a timely manner or does not return calls at all.
- a service coordinator or direct service provider who is often late or leaves early from a meeting or therapy session.

-
- a service coordinator or direct service provider whose skills are questionable or whose ethics are questionable.

Regardless of the concern, the first line of intervention is with the parties involved. If a family expresses a concern about a direct service provider with the service coordinator, the service coordinator should mention the concern to the direct service provider and work toward a resolution.

If the concern cannot be resolved between/among the parties, the service coordinator must take the concern to the local lead agency, which is the SPOE. The local clusters are empowered to resolve concerns. The cluster will

- record the information about the concern.
- explain the cluster's resolution procedures including timelines for resolution to the person who is placing the concern.
- take appropriate actions.

Concerns that are not corrected in an appropriate and timely manner should be referred to the Bureau of Child Development Services.

In addition to the complaint process described above, Indiana offers an impartial due process hearing and mediation to resolve complaints. Parents of an eligible child and a participating agency have the right to initiate an impartial hearing prior to the proposal, or refusal, to initiate or change the identification, evaluation, or placement of the child or the provision of early intervention services to a child or the child's family.

Mediation is a voluntary option that can be used when a parent and a participating agency cannot agree on matters related to the identification, evaluation, or provision of services to a child or the child's family.



For detailed information about Indiana's due process procedures for complaints, visit <http://www.in.gov/legislative/iac/pdf-iac/iac2006oldfmt/T04700/A00031.PDF?IACT=470>.

Advocacy

Service Coordinators as Advocates

Families can be overwhelmed when beginning the process of First Steps. Service Coordinators are the first advocates for families making sure

that the necessary services, resources, and supports are available and accessible.

Informing families of the availability of advocacy services is a required and ongoing process throughout the relationship with the family. Sometimes, families need more support than what the service coordinator can give. Linking families to advocacy supports can help them to better understand their rights as well as provide the families with another source of support. These supports may come from within the early intervention system; however, numerous other sources of support for parents exist outside the early intervention system. A few national and state advocacy organizations are listed on the following pages.

ABOUT SPECIAL KIDS (ASK) formerly INDIANA PARENT INFORMATION NETWORK (IPIN)

7275 Shadeland Avenue, Suite 1
Indianapolis, IN 46250
Telephone: (317) 257-8683 V/TTY
Toll free: (800) 964-4746 V
Toll free: (800) 838-1131 TTY
Fax: (317) 251-7488

THE ARC OF INDIANA

107 N. Pennsylvania, Suite 800
Indianapolis, IN 46204
Telephone: (317) 977-2375
Toll free: (800) 382-9100
Fax: (317) 977-2385

DIVISION OF MENTAL HEALTH

402 West Washington Street, Room W353
Indianapolis, IN 46204
Telephone: (317) 232-7800
Toll free: (800) 901-1133
Fax: (317) 233-3472

FAMILY VOICES NATIONAL OFFICE

2340 Alamo SE, Suite 102
Albuquerque, New Mexico 87106
Telephone: (505) 872-4774
Toll free (888) 835-5669
Fax: (505) 872-4780
www.familyvoices.org

FAMILY & SOCIAL SERVICES ADMINISTRATION
Division of Disability and Rehabilitative Services

402 West Washington Street, Room W451
Indianapolis, IN 46207
Telephone: (317) 232-7000
Toll free: (800) 545-7763

GOVERNOR'S COUNCIL FOR PEOPLE WITH DISABILITIES

Indiana Government Center South, Room E145
402 W. Washington
Indianapolis, IN 46204
Telephone: (317K) 232-7770
Fax: (317) 233-3712

INDIANA ASSOCIATION FOR INFANT AND TODDLER MENTAL HEALTH

1431 N. Delaware Street
Indianapolis, IN 46202
Telephone: (317) 638-3501 ext 221
Toll free: (800) 555-6424

INDIANA DEPARTMENT OF EDUCATION

Center for Student Learning

151 W. Ohio Street
Indianapolis, IN 46204
Telephone: (317) 232-0579

INDIANA INSTITUTE ON DISABILITY AND COMMUNITY

Indiana University Center for Disability Information and Referral
Indiana University-Bloomington
2853 East Tenth Street
Bloomington, IN 47408-2696
Telephone: (812) 855-6508
Toll free: (812) 855-9396
E-mail: iidc@indiana.edu

INDIANA PROTECTION & ADVOCACY SERVICES

4701 North Keystone Avenue, Suite 222
Indianapolis, IN 46205
Telephone:
Indianapolis and South: (800) 622-4845, Ext. 234
Northern Indiana: (800) 622-4845, Ext. 236
General Information: (800) 622-4845, Ext. 232

INDIANA RESOURCE CENTER FOR AUTISM

Indiana Resource Center for Autism
2853 East Tenth Street
Bloomington, IN 47408-2696
Telephone: (812) 855-6508 TTY Number: 1-812-855-9396
Fax: (812) 855-9630
www.iidc.indiana.edu/~irca/

INDIANA RESOURCE CENTER FOR FAMILIES WITH SPECIAL NEEDS (IN*SOURCE)

1703 S. Ironwood Drive
South Bend, IN 46613
Telephone: (574) 234-7101
Toll free: (800) 332-4433
Fax: (219) 234-7279
E-mail: insource@insource.org

INDIANA SCHOOL BOARDS ASSOCIATION

1 North Capitol Avenue, Suite 1215
Indianapolis, IN 46204
Telephone: (317) 639-0330
Fax: (317) 639-3591

INDIANA SCHOOL FOR THE BLIND

7725 N. College Avenue
Indianapolis, IN 46240
Telephone: (317) 253-1481
Fax: (317) 251-6511

INDIANA SCHOOL FOR THE DEAF

1200 East 42nd Street
Indianapolis, IN 46205
Telephone: (317) 924-8402 V/TTY

SPECIAL OLYMPICS INDIANA

6100 W. 96th Street, Suite 270
Indianapolis, IN 46278
Telephone: (317) 328-2000
Toll free: (800)742-0612
Fax: (317) 328-2018

INDIANA STATE DEPARTMENT OF HEALTH

2 North Meridian Street
Indianapolis, IN 46204
Telephone: (317) 233-1325
Family Help Line: 1-800-433-0746

MENTAL HEALTH AMERICA OF INDIANA (formerly MENTAL HEALTH ASSOCIATION OF INDIANA)

1431 N. Delaware Street
Indianapolis, IN 46202
Telephone: (317) 638-3501
Toll free: (800) 555-6424

NICHCY National Information Center for Children and Youth with Disabilities

1825 Connecticut Avenue NW, St. 700
Washington DC 20009
Telephone: (202) 884-8200 (Voice/TTY)
Toll free: (800) 695-0285 (Voice/TTY)
Fax: (202) 884-8441
www.nichcy.org E-mail: nichcy@aed.org

RILEY CHILD DEVELOPMENT CENTER

702 Barnhill Drive, Room 5837
Indianapolis IN 46202-5225
Telephone: (317) 944-8167
Fax: (317) 944-9760

Parents as Advocates

The basic tenet of service coordination in the First Steps System is to teach the families how to become their own advocates. This teaching can be accomplished in two ways:

- Service coordinators can provide families with multiple resources throughout their tenure with each family. The families can then use these resources when they leave the First Steps System.
- Service coordinators model the techniques of advocacy when they consult resources to address families' needs while in the First Steps System. Service coordinators should continually involve the families in seeking additional resources as needs arise.

Summary

This module provides a basic understanding of the need to protect the rights and interests of the children and their families who participate in the First Steps System and the procedural safeguards established to ensure these rights are granted. Additionally, the importance of service coordinators being advocates for the parents and teaching parents how to be their own advocates is presented in this module.

Successful completion of Module Two requires you to complete all of the assignments in the Application Station beginning on page 12.

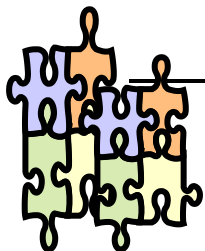
The next five modules focus on topics pertinent to your role as a service coordinator in Indiana's First Steps System.

Reference List

Hurst, J. and Goff, P. *Assuring the family's Role on the early*

intervention team: Explaining rights and safeguards. June 2002, 2nd

Edition. *The National Early Childhood Technical Assistance Center.*



Application Station... Connecting the puzzle pieces

Service Coordination Orientation Module 2

SC Name: _____

As part of the training module, you read three documents on procedural safeguards and answered the questions pertaining to each safeguard and to best practices for ensuring families are informed of the safeguards.

1. During the narrated PowerPoint presentation, you completed a self-assessment after reading the three required documents. What was your score on the self-assessment? _____ (record your percentage)
2. Once you have completed **all** of the assignments for this module, please sign and date the forms and have your supervisor sign the forms. Then, save all of the completed documents because you will be submitting them to UTS at the end of Module 7, which is the last module of the training.

Service Coordination Orientation SC101 Attestation Statement

By signing this form, I, _____, attest that I personally completed all of the learning activities and self-assessment quizzes and the final assessment and that no one completed them on my behalf. Should it be proven that someone else completed the components of this training for me, I understand that my enrollment in Indiana's First Steps System could be in jeopardy.

Service Coordinator signature: _____

Service Coordinator Supervisor signature: _____

Date _____

UTS/ProKids Office Only: Date received _____ Initials _____
SC101 Module 2

Cluster Supervisor Comments: