

WHAT RIGHTS DO YOU HAVE?

Your EI service coordinator must provide you with a guide outlining your rights and explain these rights to you. The guide is available at <http://www.health.state.ny.us/publications/0532>.

As a parent, you have the right to:

- Be involved in all stages of the EI process.
- Refuse to consent or withdraw consent at any stage of the process.
- Choose whether or not to have your child evaluated and, if so, have evaluations done in a timely manner.
- Receive full copies of all evaluation results.
- Have an IFSP meeting within 45 days after referral.
- Refuse any specific service without losing the other services.
- Have all your family's information kept confidential.
- Examine, get a copy of, and ask to correct all records regarding your family.
- Have notices, results of screenings and evaluations, and services provided to you in your preferred language.
- Be notified in writing of any possible changes in your child's services before any changes are made.
- Consult an advocate or attorney at any stage of the process.
- Ask for mediation or a hearing or file a systems complaint if you disagree with any decision.

WHAT HAPPENS WHEN YOUR CHILD TURNS 3?

Many children in EI are eligible for preschool special education. Make sure that you refer your child to the Committee on Preschool Special Education (CPSE), or provide consent for EI to refer your child, 3-4 months before your child becomes eligible for CPSE to avoid potential loss of services when your child turns 3. Your child becomes eligible for CPSE services on the following dates:

- If your child turns 3 between January 1st and June 30th, your child is eligible for preschool special education services on January 2nd of the year your child turns three.
- If your child turns 3 between July 1st and December 31st, your child is eligible for preschool special education on July 1st.

If the CPSE holds a meeting and finds your child eligible for preschool special education services *before* your child's third birthday, you can choose to have your child remain in EI:

- If your child turns 3 between January 1st and August 31st, your child can remain in EI until August 31st.
- If your child turns 3 between September 1st and December 31st, your child can remain in EI until December 31st.

If the CPSE does not hold a meeting and make preschool special education recommendations by your child's third birthday, services will end when your child turns 3. If your child is not eligible for a center-based preschool special education program, you may be able to enroll your child in another preschool program such as Head Start or EarlyLearn.



Our Mission

AFC promotes access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds. We use uniquely integrated strategies to advance systemic reform, empower families and communities, and advocate for the educational rights of individual students.

Still have questions?

Please Call The Jill Chaifetz Education Helpline

Monday through Thursday
10AM to 4PM
866-427-6033 (toll free)

Advocates for Children of New York, Inc.

151 West 30th Street, 5th Floor
New York, NY 10001
Phone (212) 947-9779
Fax (212) 947-9790
info@advocatesforchildren.org
www.advocatesforchildren.org



AFC's

Early Intervention

A PROGRAM FOR
INFANTS & TODDLERS
WITH SPECIAL NEEDS

September 2015



Advocates for Children
of New York
Protecting every child's right to learn

WHAT IS THE EARLY INTERVENTION (EI) PROGRAM?

Early Intervention is a free, family-centered program that provides a wide variety of services to eligible infants and toddlers with special needs. The earlier that you identify and address any delays, the better it is for your child's development.

WHO IS ELIGIBLE TO RECEIVE SERVICES?

Any child from birth to 3 years of age who has a developmental delay or has a physical or mental condition likely to result in a developmental delay is eligible. The delay can be in one or more of the following areas of development:

Cognitive: thinking, learning, and interacting with the environment.

Communication: understanding and using language and gestures.

Physical/motor: vision, hearing, or movement, such as crawling, walking, using hands and fingers, and eye-hand coordination.

Social/emotional: getting along with others, awareness of others, ability to express feelings, and imitating other children.

Adaptive/self-help: building independence, such as toileting, eating, and dressing.

WHAT SERVICES ARE AVAILABLE?

- Speech therapy
- Audiology
- Occupational therapy
- Vision services
- Physical therapy
- Nursing services
- Special instruction
- Respite services
- Nutrition services
- Transportation
- Social work services
- Service coordination
- Psychological services
- Applied Behavior Analysis (ABA) therapy
- Family training, counseling, and home visits
- Assistive technology (equipment & services to improve or maintain your child's abilities to communicate, eat, or move)

HOW DO YOU MAKE A REFERRAL?

If your child may need EI services, you can refer your child by calling **311**. You can ask your child's doctor or social worker for help.

WHAT HAPPENS AFTER THE REFERRAL?

After referral, a service coordinator will contact you to schedule a meeting to discuss the EI program and help you choose an evaluation agency.

If your child needs help right away, you can ask the service coordinator to make a temporary interim "Individualized Family Service Plan" (IFSP) so that your child can begin receiving services. You may need a doctor's note stating your child's needs.

THE SCREENING OR EVALUATION

After referral, you have the right to a free set of evaluations for your child. Evaluations will determine whether or not your child is eligible for EI services and which services your child needs. You must consent for evaluations to take place. A **screening** determines whether or not additional evaluations are necessary. However, you have a right to a full set of evaluations. The **evaluations** must be done by at least two professionals and must include:

- An assessment of your child's abilities and needs in each area of functioning (cognitive, communication, physical/motor, social/emotional, adaptive/self-help).
- A health assessment usually done by your child's regular doctor.
- A parent interview for you to state your concerns about your child.
- A review of your child's medical records.
- A voluntary family assessment to address your family's priorities and resources.
- A transportation assessment.

You can choose an EI evaluation agency to evaluate your child. The evaluations may take place in your home or at the agency. You have the right to a written and oral summary of the results in your preferred language and to the complete evaluation report. If you are not satisfied with the results, you may request, in writing, a second evaluation.

THE INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) MEETING

If your child is eligible for EI, a meeting will take place to develop an IFSP, a written plan stating which services your child and family have a right to get, the goals of these services, and how and where the services will be provided. You will also choose an ongoing service coordinator at the meeting. The IFSP meeting must take place no later than 45 days from the date of referral. It must occur at a time and place convenient for you and be in your preferred language.

WHO WILL PARTICIPATE IN THE IFSP MEETING?

- You, the parent
- Your initial service coordinator
- An Early Intervention Official Designee
- An evaluator who was a member of your child's evaluation team
- An interpreter in your preferred language
- Anyone else you choose to invite

No one else may participate without your consent. You are a member of the IFSP team and have a right to fully participate in the meeting.

WHERE WILL THE SERVICES BE PROVIDED?

EI services should be provided in your child's "natural environment" (such as your child's home or child care center) unless your child needs specialized services at an EI center, clinic, or hospital.

WHAT IF YOU DISAGREE?

If you do not agree to a particular service, EI will not provide it to your child. EI will only provide services you agree upon.

If EI finds your child ineligible or does not agree to a service you think your child needs, you have the right to ask for:

Mediation: a meeting between you and EI officials led by a mediator, a person trained to help people resolve their differences.

Impartial hearing: a formal process where a hearing officer decides the dispute.

Systems complaint: You can file a written systems complaint if you want the New York State Department of Health to investigate a situation.

You may want to speak with an attorney to help you decide what actions to take. During the process, EI should continue to provide the services you agree on.

For more details about EI, how to ask for mediation or a hearing or file a complaint, or the transition to preschool special education, please see Advocates for Children's Guide to Early Intervention at http://www.advocatesforchildren.org/get_help/guides_and_resources.