

## North Carolina Infant-Toddler Program Notice of Child and Family Rights

### INTRODUCTION

The North Carolina Infant-Toddler Program Notice of Child and Family Rights describes your family's rights, as defined by the federal law known as the Individuals with Disabilities Education Act (IDEA). Part C of IDEA provides for early intervention services for eligible infants and toddlers (ages birth until the third birthday). In North Carolina, the Part C system of IDEA is known as the Early Intervention Program, or Infant-Toddler Program (ITP). The lead agency for the North Carolina Infant-Toddler Program (ITP) is the Early Intervention Section in the NC Division of Child and Family Well-Being. On the local level, the Early Intervention Section's Children's Developmental Services Agencies (CDSAs) administer, supervise, and monitor programs and activities for the Infant-Toddler Program. There are 16 CDSAs across the state that provide access to, and monitor, Infant-Toddler Program services. CDSAs serve all 100 counties of North Carolina in single or multi-county catchment areas. This document is an official notice of your rights under federal law and regulations. A few of the terms in it may be unfamiliar to you. Therefore, we define some words when they first occur in the document and others in the glossary at the end of this document. Words that are defined in the glossary or as they appear in the document are indicated in bold as they appear in the text. The Early Intervention Service Coordinator (EISC) working with your family can suggest additional resources and materials to help you understand your rights.

The North Carolina Infant-Toddler Program (ITP) is designed to maximize family involvement and ensure parental consent (permission) in each step of the early intervention process beginning with referral and continuing as we decide if your child is eligible and plan and provide the services your child and family needs. The NC ITP is part of a national early intervention system described in Part C of a federal law called the Individuals with Disabilities Education Act (IDEA). The federal regulations for the early intervention program (described in 34 CFR Part 303) apply to the NC ITP. The NC ITP includes procedural safeguards to protect the program rights of children who are referred to and/or enrolled with the ITP, and their parents. Parents must be informed about these procedural safeguards as defined under federal regulations at 34 CFR 303.400-438, including dispute resolution options at 34 CFR 303.430-438, so that they can be actively involved and have a leadership role in the services provided to their child and family. This parent rights document is an official notice of the procedural safeguards of children and families as defined under federal Part C regulations.

Participation in the NC ITP is voluntary for you and your family. In the NC ITP, you have the following rights:

- The opportunity for a multidisciplinary **evaluation** to see if your child is eligible if he or she does not have an established condition or has an established developmental delay based upon your child's medical or other records and, if eligible, **assessments** and the development of an Individualized Family Service Plan (IFSP) within forty-five (45) calendar days from referral
- If eligible under the NC ITP, the right to receive appropriate and timely **early intervention services** for your child and family as identified in an IFSP within 30 days of the service being added to the IFSP
- The right to receive evaluation, assessments, development of IFSP, service coordination, and procedural safeguards at no cost to families
- The right to accept or refuse evaluations for eligibility determination, assessments, and/or services
- The right to have a written invitation to and participate in all IFSP meetings
- The right to receive prior written notice ten (10) calendar days before a change is proposed or refused in the identification, evaluation, or placement (where your child receives services) of your child, or in the provision of services to your child or family
- The right to receive services in your child's **natural environment** to the maximum extent appropriate to meet your child's developmental needs
- The right to maintenance of the confidentiality of **personally identifiable information**
- The right to obtain an initial copy of your child's early intervention record at no cost
- The right to review and, if appropriate, correct early intervention records
- The right to receive a copy, at no cost, of each evaluation for eligibility determination, assessment of the child, family assessment, and IFSP as soon as possible after each IFSP meeting
- The right to **Due Process** to resolve complaints regarding any matter related to the identification, evaluation, eligibility, placement (where your child receives services) or the provision of early intervention services for your child
- The opportunity for voluntary **Mediation** to resolve any disputes involving any matter under Infant Toddler Program policies
- The right to file a **State Complaint** if an agency of the state, a local agency, or an individual provider has violated a federal or state Part C requirement
- The right to timely resolution of complaints

In addition to these general rights, you are entitled to be notified of specific procedural safeguards under the NC ITP (Part C, Subpart E), which are described on the following pages.

### PRIOR NOTICE

Prior written notice must be given to you ten (10) calendar days before the NC Infant-Toddler Program, through the Early Intervention Section's Children's Developmental Services Agency (CDSA) takes certain actions. You can proceed more quickly than 10 calendar days if you wish to do so. These actions are to propose or refuse to initiate or change the identification, evaluation, or placement (where your child receives services) of your child, or the provision of early intervention services to your child and your family. The written notice must inform you about:

- The action that is being proposed or refused
- The reasons for proposing or refusing the action
- All procedural safeguards that are available under the NC ITP for that action
- The NC ITP complaint procedures, including a description of how to file a complaint and the timelines for these procedures. (See the *Dispute Resolution* section of this document.)

The notice must be written in language understandable to the general public and provided in your native language or the language normally used by you unless it is clearly not feasible to do so. If your native language or other mode of communication is not a written language, the CDSA must 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
- There is written evidence that the requirements of this section have been met

If you are deaf or hard of hearing, 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).

### PARENTAL CONSENT

Consent means that:

- You have been fully informed of information about the activity for which consent is sought. The information is provided in your **native language**, or mode of communication, unless clearly not feasible to do so.
- You understand and agree in writing to provision of the activity for which your consent is sought, and the consent describes the activity and lists the records (if any) that will be released and to whom the records will be given.
- You understand that granting consent is voluntary on your part and that you may revoke consent in writing at any time. If you revoke consent, that revocation does not apply to an action that took place before consent was revoked.

Your written consent must be requested:

- Before evaluations and assessments of your child are conducted Before early intervention services begin
- Before public benefits or insurance, or private insurance is used to pay for services
- Before the disclosure of any **personally identifiable information**, except as required by law.

If you do not provide consent, the action cannot be taken.

Federal Part C (34 CFR 303.414) regulations and the Family Educational Rights and Privacy Act, or FERPA (34 CFR 99.31) require that parental consent must be obtained before personally identifiable information is:

- Disclosed to anyone other than officials of the contractor or provider in collecting or using information under Part C, unless authorized to do so under FERPA (34 CFR 99.31).
- Used for any purpose other than meeting a requirement under Part C.

Personally Identifiable Information includes:

- The name of your child or the name of other family members; The address of your child or child's family;
- A personal identifier, such as your child's or your own Social Security number; or
- A list of personal characteristics or other information that would make your child's identity easily traceable.

Information from your child's early intervention record cannot be released by an early intervention services contractor or early intervention services provider to other agencies without your consent unless the contractor or provider is authorized to do so under FERPA.

Under FERPA and IDEA Part C, the NC ITP is authorized and required to release your child's name and date of birth, and your contact information (including your names addresses, and telephone numbers) without your consent to the state education agency and the local education Agency where your child resides. This information is needed to identify all children potentially eligible for services under Part B of IDEA.

If you do not give consent for evaluation, assessment, or early intervention services, the NC ITP will make reasonable efforts to ensure that you:

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

In addition, as a parent of a child referred to or eligible for the NC ITP, you may accept or decline any early intervention services offered to your child or other family members without jeopardizing other early intervention services. You may also decline a service after first accepting it, without jeopardizing other early intervention services.

#### EXAMINATION OF RECORDS

In accordance with the confidentiality of information procedures described in the following section, you have the opportunity to inspect and review **all early intervention records** about your child and family that are collected, maintained, or used by the program. Records may be related to screening, evaluations, assessments, eligibility determination, development and implementation of IFSPs, provision of early intervention services, and individual complaints regarding your child's services. This includes any part your child's early intervention records.

**Access Rights** - Should you make a request to examine your child's record, the CDSA must comply with your request without necessary delay and in no case more than ten (10) calendar days after you make the request. The CDSA will comply with the request before any meeting regarding an IFSP or any hearing related to identification, evaluation, placement, or provision of appropriate early intervention services. The right to inspect and review early intervention records includes:

- The right to a response from the CDSA to reasonable requests for explanations and interpretations of the early intervention records
- The right to request that the CDSA provide copies of the early intervention records containing such information if failure to provide these copies would effectively prevent you from exercising the right to inspect and review the early intervention records
- The right to have someone who represents you inspect and review the early intervention records.

The CDSA assumes that you have the authority to inspect and review early intervention records relating to your child unless it has been notified in writing that you do not have the authority under applicable state law or court order governing such matters as guardianship, separation, and divorce.

**Record of Access** - Each CDSA must keep a record of any individual obtaining access to the early intervention record (except access by parents and authorized employees of the CDSA), including the name of the individual, the date access was given, and the purpose for which the individual was authorized to use the early intervention record.

If any early intervention record includes information on more than one child, you have the right to inspect and review only the information relating to your child, or to be informed of that specific information about your child.

The CDSA can provide you a list of the types and locations of early intervention records collected, maintained, or used by the agency.

**Fees for Records** - The CDSA may charge a fee for copies of early intervention records if the fee does not effectively prevent you from exercising your right to inspect and review the early intervention records. The CDSA must provide, at no cost to you, a copy of each evaluation, assessment of the child, family assessment and IFSP as soon as possible after each IFSP meeting. The CDSA may not charge a fee to search for or to retrieve information.

**Amendment of Records** - If you believe that information in early intervention records collected, maintained, or otherwise handled by the Infant-Toddler Program is inaccurate, misleading, or violates the privacy or other rights of you or your child, you may request that the CDSA or the participating agency that maintains the information amend the information.

The CDSA must determine whether to amend the information in accordance with your request, within a reasonable period of time after receiving such a request. If the CDSA refuses to amend the information as you requested, the CDSA must inform you of the refusal and advise you of your right to a hearing.

The Early Intervention Section will provide an opportunity for a hearing to challenge information in early intervention records to ensure that it is neither inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child

A hearing held regarding these matters must be conducted according to the procedures under the Family Education Rights & Privacy Act (FERPA) regulations found at 34 CFR 99.22. You can also find these procedures outlined in the *North Carolina Infant-Toddler Program Policy Bulletins for Procedural Safeguards and Dispute Resolution*.

If the hearing results in the determination that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the CDSA will amend the information accordingly and will inform you in writing.

If the hearing results in the determination that the information is neither inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, you have the right to place a statement in your child's early intervention records commenting on the information and stating any reasons for disagreeing with the participating agency/provider.

Any explanation placed in the early intervention records of the child under this section must be maintained by the CDSA as part of the early intervention records of the child, as long as the early intervention record or contested portion (that part of the record with which you disagree) is maintained by the CDSA. If the early intervention records of the child or the contested portion are disclosed by the CDSA to any party, the explanation must also be disclosed to that party.

#### CONFIDENTIALITY OF INFORMATION

The confidentiality procedures described in this section apply to the personally identifiable information about your child and your family that: 1) Is contained in early intervention records collected, used, or maintained by the Infant Toddler Program, or any **participating agency**; and 2) Applies from the point in time when your child is referred for early intervention services until the information is no longer required to be maintained by the program.

##### Notice about Confidentiality

The NC Infant-Toddler Program must give notice to you when your child is referred to the CDSA that is adequate to fully inform you of the requirements in confidentiality including:

- A description of the child or children on whom personally identifiable information is maintained, the types of information sought, the methods the program intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
- A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and **destruction** of personally identifiable information; and
- A description of all of the program rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations in 34 CFR Part 99A, a description of the extent to that the notice is provided in the native languages of the various population groups in the state.

##### Confidentiality Safeguards

The following safeguards are in place to ensure confidentiality of records:

- Each participating agency/provider protects the confidentiality of personally identifiable information at collection, maintenance, use, storage, **disclosure**, and destruction stages
- At least one official of each agency is responsible for ensuring the confidentiality of any personally identifiable information.
- All people collecting or using personally identifiable information receive training or instruction regarding the NC ITP's policies, procedures, and practices as they apply under Part C of IDEA and FERPA.
- Each participating agency maintains, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information.

Participating agencies/providers must inform parents when personally identifiable information collected, maintained, or used under the Infant-Toddler Program is no longer needed to provide services to the child. When a parent is informed that this information is no longer needed, the information must be destroyed if a request is made by the parent. However, a permanent record of a child's name, date of birth, parent contact information (including address and phone number), names of service coordinator(s) and early intervention provider(s), and exit data (including year and age, and any programs entered into upon exiting) may be maintained without time limitation.

#### DISPUTE RESOLUTION

If you disagree with a participating agency/provider on the identification, evaluation, placement of your child, or provision of appropriate early intervention services to your child or family, you may request a resolution of your concerns.

The NC Infant-Toddler Program ensures the timely administrative resolution of concerns through informal methods, such as talking directly with your EI service coordinator or other contact at your local CDSA. The NC ITP also offers three formal processes: mediation, due process hearing, and state complaint procedures.

All of these procedures are available at no cost to families.

## Mediation

The NC Infant-Toddler Program makes mediation available to resolve disagreements. Mediation can occur before or after the filing of a due process hearing or state complaint. As a parent, you may request mediation by completing and mailing the NC ITP Parent Request for Mediation form to: Early Intervention Section, Part C Director, Division of Child and Family Well-Being, 1916 Mail Service Center Raleigh, NC 27699-1916.

Infant-Toddler Program Mediation Procedures ensure that mediations are:

- Voluntary on the part of all parties.
- Not used to deny or delay your right to a due process hearing, or to deny any other rights you have under Part C of the IDEA.
- Conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The NC ITP maintains a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of early intervention services. Mediators must be selected on a random, rotational, or other impartial basis.

**Impartiality of Mediator** – An individual who serves as a mediator may not be an employee of the Early Intervention Section, a CDSA, or an early intervention service provider involved in the provision of early intervention services or other services to the child; and must not have a personal or professional interest that conflicts with the person's objectivity. A person who otherwise qualifies as a mediator is not an employee or an early intervention provider solely because he or she is paid by the agency or provider to serve as a mediator. The NC ITP is responsible for the cost of the mediation process, including the costs of meetings. 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 in the dispute.

If a dispute is resolved through the mediation process, the parties must sign a legally binding agreement that describes the resolution and states that:

- All discussions that occurred during the mediation process will remain 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; and a written, signed mediation agreement under this paragraph is enforceable in any state court of competent jurisdiction or in a district court of the United States. Mediation provides an opportunity for you to resolve a disagreement in a non-adversarial way. It is voluntary and must be freely agreed upon by both parties. If you choose not to use the mediation process, the NC ITP will offer an opportunity to meet, at a time and location convenient to you, with a disinterested party, to explain the benefits and encourage the use of mediation. Mediation does not restrict you from requesting an impartial due process hearing or state complaint at any time. You may simultaneously file a request for mediation and for an impartial due process hearing or state complaint...

## Due Process

You may request a Due Process hearing by completing and mailing the NC ITP Parent Request for Due Process form to: Early Intervention Section, Part C Director, Division of Child and Family Well-Being, 1916 Mail Service Center Raleigh, NC 27699-1916.

When a due process complaint is received, a due process hearing officer is appointed to implement the complaint resolution process. The due process hearing officer must:

- Have knowledge about the provisions of Part C and the needs of, and early intervention services available for, infants and toddlers with disabilities and their families and perform the following duties:
  - ♦ Listen to the presentation of relevant views about the complaint, examine all information relevant to the issues and seek to reach a timely resolution of the complaint.
  - ♦ Provide a record of the proceedings at the cost of the state, including a written decision.
- Due process hearing officers must be "impartial." Impartial means that the person appointed to serve as a due process hearing officer:
  - ♦ Is not an employee of the Early Intervention Section, a CDSA, or an early intervention service provider involved in the provision of early intervention services or care of the child.
  - ♦ Does not have a personal or professional interest that would conflict with his or her objectivity in implementing the due process hearing.

A person who otherwise qualifies as a due process hearing officer is not an employee of the state or local lead agency (Early Intervention Section or CDSA), early intervention services contractor or early intervention services provider solely because the person is paid by the agency or program to implement due process hearing provisions. Any parent involved in a due process hearing has the right to:

- Be accompanied and advised by legal counsel and by individuals with special knowledge or training with respect to early intervention services for infants and toddlers with disabilities.
- Present evidence and confront, cross-examine, and compel the attendance of witnesses.
- Prohibit the introduction of any evidence at the hearing that has not been disclosed to the parent at least five days before the hearing.
- Obtain a written or electronic verbatim transcription of the hearing at no cost to the parent.
- Receive a written copy of the findings of fact and decisions at no cost to the parent.

Any due process hearing conducted must be carried out at a time and place that is reasonably convenient to the parents.

The NC ITP must ensure that, not later than 30 days after the receipt of a parent's due process complaint, the due process hearing is completed and a written decision mailed to each of the parties. A hearing officer may grant specific extensions of time beyond the 30-day timeline at the request of the parent or service provider.

Any party aggrieved by the findings and decision issued pursuant to a due process hearing or state complaint has the right to bring a civil action in state or federal court.

During the pendency of any proceeding involving a due process complaint, unless the Early Intervention Section and parents of an infant or toddler with a disability otherwise agree, the child must continue to receive the appropriate early intervention services in the setting identified in the IFSP that is consented to by the parents. If the due process complaint involves an application for initial services under Part C, the child must receive those services that are not in dispute.

## State Complaint

The NC Infant-Toddler Program has policies and procedures for resolving complaints filed by an individual or an organization (including from another state) that alleges that an agency of the state, a local agency, or an individual practitioner has violated a federal or state Infant-Toddler Program requirement. The complaint must be in writing, signed, and include a statement of the alleged violation and the facts on which the complaint is based. Complaints must be mailed to the NC ITP at the following address: Early Intervention Section, Part C Director, Division of Child and Family Well-Being, 1916 Mail Service Center, Raleigh, NC 27699-1916. The alleged violation must have occurred no more than one year before the date that the complaint is received by the Early Intervention Section of the Division of Child and Family Well-Being. The party filing the complaint must send a copy of the complaint to the public agency or early intervention service provider serving the child at the same time the party files the complaint with the Early Intervention Section.

The complaint must be resolved within 60 calendar days from the receipt of a signed written complaint by the Early Intervention Section of the Division of Child and Family Well-Being. An extension must be permitted if exceptional circumstances exist by the Hearing Officer. An extension cannot be for administrative convenience. Within the 60 days from receipt of complaint, the Early Intervention Section will:

- Carry out an independent on-site investigation, if the Early Intervention Section determines that an investigation is necessary.
- Give the complainant the opportunity to submit additional information, either verbally or in writing, about the allegations in the complaint.
- Provide the CDSA or other early intervention agencies/providers with an opportunity to respond to the complaint, including at the discretion of the Early Intervention Section, a proposal to resolve the complaint and an opportunity for all parties to voluntarily engage in mediation.
- Review all relevant information and make an independent determination as to whether the CDSA, public agency, or early intervention provider is violating a requirement of Part C.
- Issue a written decision to the person filing the complaint that addresses each allegation in the complaint and contains the findings of facts and conclusions as well as the reasons for the lead agency's final decision.
- Include procedures for effective implementation of the Early Intervention Section's final decision, including technical assistance activities, negotiations, and corrective actions to achieve compliance if needed.

If the final decision indicates that appropriate services were not/are not being provided, the Early Intervention Section must address:

- The failure to provide appropriate services, including corrective actions appropriate to address the needs of the child and family who are the subject of the complaint (such as compensatory services or monetary reimbursement).
- Appropriate future provision of services for all infants and toddlers with disabilities who are eligible for the Infant-Toddler Program and their families.

The Early Intervention Section shall permit an extension of the time limit only if:

- Exceptional circumstances exist with respect to a particular complaint; or
- The parent (or individual or organization, if mediation is available to the individual or organization under State procedures) and the ITP, public agency or early intervention provider involved agree to voluntarily engage in mediation.

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 Infant Toddler Program must 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 hearing must be resolved using the time limit and procedures described in this section.

If an issue raised in a complaint filed has previously been decided in a due process hearing involving the same parties:

- The due process hearing decision is binding on that issue.
- The Infant Toddler Program must inform the complainant to that effect.

A complaint alleging the NC ITP public agency or early intervention service provider's failure to implement a due process hearing decision must be resolved by the Early Intervention Section.

#### **SURROGATE PARENT**

The NC Infant-Toddler Program appoints a surrogate parent if:

- No **parent** can be identified;
- Reasonable efforts to locate a parent are unsuccessful; or
- The child is a **ward of the state** as determined by North Carolina's laws.

A surrogate parent is a person appointed to serve in the role of parent and protect the rights of a child participating in the Infant-Toddler Program. Assignment of such a person must follow specific procedures, which include methods for determining the child's need for a surrogate parent as well as steps for assigning a surrogate parent to the child. The ITP will make reasonable efforts to ensure a surrogate parent is assigned within 30 days of determining that need.

A surrogate parent:

- Has no special interest that conflicts with the interest of the child.
- Has knowledge and skills that ensure adequate representation of the child; and
- Is not an employee of any of the NC ITP's CDSAs, or any state agency, or a person or an employee of a person providing early intervention services to the child or to any other family member of the child.

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

- Evaluation and assessment of the child.
- Development and implementation of the child's IFSPs, including evaluations, assessments, and periodic reviews. Ongoing provision of early intervention services to the child.
- Any other rights established by federal law or regulation or NC ITP policy.

#### **GLOSSARY**

**Assessment:** Assessment means the ongoing procedures used by qualified personnel to identify the child's unique strengths and needs and the early intervention services appropriate to meet those needs throughout the period of the child's eligibility under Part C of IDEA and includes the assessment of the child and assessment of the child's family. Initial assessments refer to the assessment of the child and the family assessment conducted prior to the child's first IFSP meeting.

**Appropriate Early Intervention Services:** "Appropriate early intervention services" are determined through the IFSP process. The IFSP must contain 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 [Part C of IDEA] and the needs of the family related to enhancing the child's development."

**Destruction of Personally Identifiable Information:** Physical destruction of an early intervention record or removal of individual identifiers from information so that it is no longer personally identifiable.

**Disclosure:** To permit access to or the release, transfer, or other communication of NC ITP records, or the personally identifiable information contained in those records, to any party. Disclosure may occur by multiple means, including oral, written, or electronic means.

**Early Intervention Records:** Early intervention records mean all records regarding a child that are required to be collected, maintained, or used under Part C of the IDEA and the regulations in Part C of IDEA. The term early intervention records includes the type of records covered under the definition of "education records" in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).

**Early Intervention Service Provider:** A public or private agency or professional that receives public funds to provide early intervention services for an eligible child and the child's family.

**Evaluation:** Procedures used by qualified personnel to determine a child's initial and continuing eligibility for the Infant Toddler Program. An initial evaluation refers to the child's evaluation to determine his or her initial eligibility.

**Family Directed Assessment:** An **assessment** conducted by qualified personnel in order to identify the family's resources, priorities, and concerns and the supports and services necessary to enhance the family's capacity to meet the developmental needs of the child.

**Individualized Family Service Plan (IFSP):** A written plan for providing early intervention supports and services to eligible children and their families that:

- Is developed by the IFSP team, which includes the family.
- Is based on the multidisciplinary evaluation and assessment of the child and the family directed assessment.
- Includes functional outcomes, strategies, and activities.
- Includes services necessary to enhance the development of the child and the capacity of the family to meet the needs of the child.

**Mediation:** A process that helps parents of enrolled children, the NC Infant-Toddler Program, and early intervention providers resolve a disagreement in an informal, non-adversarial atmosphere. Mediation is voluntary and both parties must freely agree to participate. Both parties take part in putting an agreement together and must approve the agreement. Mediation may not be used to deny or delay a parent's right to an impartial due process hearing or state complaint.

**Multidisciplinary:** The involvement of two or more separate professional disciplines with respect to:

- Evaluation of the child and assessments of the child and family.
- The IFSP Team, which must include the involvement of the parent and two or more individuals from separate professional disciplines. One of these individuals must be the service coordinator.

**Native Language:** Where used with reference to people of limited English proficiency, native language means the language or mode of communication normally used by the parent of the child. When conducting evaluations and assessments, native language also means the language normally used by the child if that language is developmentally appropriate for the child.

**Natural Environments:** Settings that are natural or typical for a same-aged infant or toddler without a disability. Natural environments may include the child's home or community settings.

**Parent:** A biological or adoptive parent of a child; A foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent; A guardian generally authorized to act as the child's parent, or authorized to make early intervention, educational, health or developmental 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; An individual who is legally responsible for the child's welfare; or A surrogate parent.

**Participating Agency:** Participating agency means any individual, agency, entity, or institution that collects, maintains, or uses personally identifiable information to implement the requirements in Part C of IDEA for the NC ITP and the regulations in Part C of IDEA with respect to a particular child. A participating agency includes the Early Intervention Section, CDSAs, early intervention providers, and any individual or entity that provides any Part C services (including service coordination, evaluations and assessments, and other Part C services). Participating agency does not include primary referral sources (public agencies such as Medicaid or CHIP program) or private entities (such as private insurance companies) that act solely as funding sources for Part C services.

**Personally identifiable information** includes:

- the name of your child, your name, or the names of other family members;
- the address of your child or family;
- a personal identifier such as your child's or your Social Security number;
- other indirect identifiers, such as your child's date of birth, place of birth, or mother's maiden name;
- a list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty; or information requested by a person who the early intervention program reasonably believes knows the identity of your child.

**Ward of the State:** A child is a Ward of the State when a county department of social services has been given legal custody of the child, and has legal responsibility and authority to make decisions concerning the child, even if the natural or adoptive parent is known, available, and interested in representing the child.