

# KNOW YOUR RIGHTS

As a parent, you have rights in the regional center system that include:

- Evaluation and assessment
- An IFSP
- Confidentiality and access to records
- Prior Written Notice or Notice of Action
- To Disagree with regional center

## Evaluation and assessment

You have the right to:

- Request an evaluation for your child
- Have the evaluation process explained to you
- Consent to an evaluation
- Refuse an evaluation
- Participate in your child's evaluation
- Be a part of any discussion about your child's eligibility and/or services

In addition, the evaluations must:

- Be in the language of your choice
- Be appropriate for your child
- Be conducted by a professional who is qualified to do that evaluation
- Be conducted in settings that are familiar to your child
- Include a review of other records and evaluation reports
- Cover all areas of development



***“It would be nice to know that we have the right to have this information, that it's there for us, that it's available for us in any way, shape or form, that it should be easily understandable to all of us.”***

***– Parent***

## **Individualized Family Service Plan (IFSP)**

You are an equal and valued member of your child's IFSP team. This means you have a right to:

- Attend the IFSP meeting and help develop the IFSP document
  - The IFSP meeting cannot occur without you
- Invite people to the meeting, such as other family members, friends, service providers and advocates, etc.
- Consent to the IFSP
  - Services cannot begin without your written consent
  - You also have the right to change your mind
- Have services provided in "natural environments" – places that are familiar to your child, like your home
  - If the service can't be in a natural environment, you must be told why
  - You can receive services through remote electronic communication such as telehealth video calls (such as Zoom or Skype)
- Have your child's IFSP shared with other agencies, only with your permission
- Receive a "Notice of Action"
  - This means you will receive prior written notice if the regional center denies or changes a service
- Have the IFSP explained or translated into your language of choice
  - You can have the document translated into your preferred language and/or have an interpreter present at the review meeting



### **Confidentiality and access to records**

Your child's regional center records are confidential and must be kept safely. This is part of a law called the Family Education Rights and Privacy Act (FERPA). These records cannot be shared with anyone without your permission. You have the right to have this law explained to you.

You can ask your Service Coordinator for a copy of the records. It is a good idea to do this in writing. If you ask for the records, you must receive a copy **within 5 business days**.

You can also ask to meet with the Service Coordinator to discuss the records. That meeting must take place **within 5 business days**. If you feel there is incorrect information in the records, you have a right to ask for that information to be changed or removed. The IFSP team must agree with the change in order for it to be updated.



### **Prior Written Notice or Notice of Action**

Sometimes you and your regional center may not agree. If this happens, the regional center must give you a prior written notice. For example, you and your regional center may not agree about your child's eligibility for Early Start services. Or, you and your regional center may not agree about the type of or amount of services your child receives or where those services are provided.

The Notice of Action tells you what the regional center wants to do. It must tell you the following:

- The action the regional center will take
- The date the action will occur
- The reason for the decision including the facts and the law or policy that supports that decision
- Information about how to appeal the decision

### **Disagreement with the regional center**

Although you, your Service Coordinator, and the regional center are a team, there may be times when you disagree. This may happen if the regional center:

- Says your child isn't eligible for Early Start
- Suggests services you don't want or don't think your child needs
- Denies or refuses to provide the services you want or think your child needs
- Wants to change or stop services you think your child needs

The regional center must provide Prior Written Notice of what they want to do. You can then choose how to settle your disagreement.

Often the best way to solve a disagreement is by talking with your Service Coordinator. There may have been a misunderstanding, or you may want to provide new information about your child. Your Service Coordinator can also help you understand what the regional center can and can't provide. Although this should not delay services, you may have to try getting a generic service first. This is when the service is paid for by another system like your medical insurance or the school district.

If you don't want to talk to your Service Coordinator or talking hasn't worked, you can choose other options. Your child's services will continue while you are settling your dispute. This is called "**stay put**". Your options for dispute resolution include informal and formal options.



### **Informal options:**

**Writing or talking to** your Service Coordinator's supervisor, Early Start director or regional center leadership.

### **Appealing the decision.**

- You can ask the leadership of the regional center to review the situation and reverse the denial



## **Formal options:**

### **Ask for a Mediation Meeting.**

- At a Mediation Meeting, someone who is impartial, called a 'mediator', helps you and the regional center reach an agreement
- The mediation session must occur within 30 days of a mediation request

### **Ask for a Due Process Hearing.**

- You and the regional center meet with a judge who decides if the regional center should reverse their decision
  - If you ask for a due process hearing, the judge must make a decision within 30 days of your request
  - You can file a request for due process, but you can also ask for informal options or mediation while you are waiting for the hearing
  - In some cases, you might be able to resolve the disagreement before the hearing
  - If you can't reach an agreement with the regional center before the hearing, the timeline doesn't change
  - Everything still must happen within 30 days of your request for due process

**Filing a complaint with the state.** If you think the regional center didn't follow the law, you can ask DDS to review the situation.

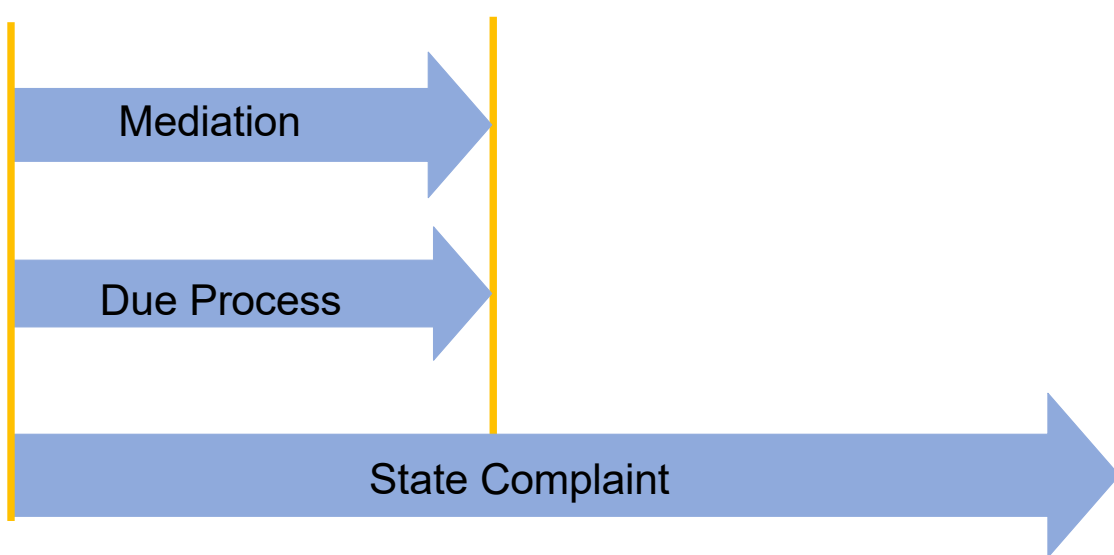
- The state has 60 days to review your complaint
- You can file a complaint up to 1 year after the disagreement (in some cases longer)
- If you are seeking reimbursement for services that should have been provided, or corrective action, then complaints can be made up to 3 years after the disagreement



Request made

Day 30

Day 60



### **Who can help me with an appeal or complaint?**

It is a good idea to talk to an advocate or attorney before filing a complaint, asking for mediation, or filing a request for due process. There are agencies that can help you understand the law and your rights. They may also be able to represent you if needed.

These are some agencies that can help you:

- [Office of Clients' Rights Advocacy \(OCRA\)](#): This is a program of Disability Rights California. They can provide legal advice and representation. There is a OCRA attorney for each regional center's geographic area.
- [Disability Rights California \(DRC\)](#): This is an agency appointed by the federal government to protect and advocate for the rights of Californians with disabilities. They can help you understand the law and your rights.
- [The State Council for Developmental Disabilities \(SCDD\)](#): This is a federally funded program that supports people with disabilities. They can help you learn about the regional center system and can advocate for services. There are 13 local offices throughout California.

### **Additional Information:**

For more information on the Early Start Appeals Process, you may visit our website:

<https://www.dds.ca.gov/general/appeals-complaints-comments/early-start-complaint-process/>