

# Family Rights



## *Notice of Child and Family Rights and Procedural Safeguards*

*in the Early Intervention Colorado System*



**Early Intervention Colorado**  
*for Infants, Toddlers & Families*

[www.eicolorado.org](http://www.eicolorado.org) • 888-777-4041

## ***Introduction***

The Individuals with Disabilities Education Improvement Act (IDEA) is a federal law which includes provisions for Early Intervention (EI) Services for eligible infants and toddlers, birth through two years of age, with disabilities and their families. These provisions form Part C of the IDEA and can be found in federal regulations at 34 CFR Part 303.

The Colorado Department of Human Services (CDHS) is the lead agency that administers the early intervention program in Colorado known as Early Intervention Colorado (EI Colorado). The CDHS contracts with twenty local agencies statewide that are designated as Community Centered Boards (CCBs) to provide services to infants, toddlers and their families. The EI Colorado Program is designed to maximize family involvement and ensure parental consent during each step of the early intervention process, beginning with referral and determination of eligibility and continuing through service delivery and transition at three years of age.

Families involved with the EI Colorado Program have special rights and procedural safeguards under the federal law to protect parents and children. Families must be informed about these rights and procedural safeguards throughout their time in the EI Colorado Program so that they can have an active role in the EI services<sup>1</sup> provided to their family.

The “Notice of Child and Family Rights and Procedural Safeguards” brochure is an official notice of the rights and safeguards of children and families as defined under Part C of the IDEA federal regulations. Information about child and family rights and procedural safeguards are provided to families by the local EI Colorado Program at a CCB or other appointed participating agency or EI service provider.

**Service coordinators working with families can suggest additional materials to help families understand their rights and procedural safeguards.**

### **Within the EI Colorado Program you, as a parent, have the following family rights and procedural safeguards:**

- The opportunity for a multidisciplinary evaluation and assessment and the development of an Individualized Family Service Plan (IFSP) within forty-five (45) calendar days from the date of referral to the EI Colorado Program;
- If eligible, the opportunity to receive appropriate EI services within twenty-eight (28) calendar days from the date of consent for your child and family as documented in an IFSP;
- The opportunity to receive evaluation, assessment, IFSP development, service coordination and assurance of procedural safeguards at no cost;

<sup>1</sup> Part C of the IDEA regulations define EI services as services that “are designed to meet the developmental needs of an infant or toddler with a disability and the needs of the family to assist appropriately in the infant or toddler’s development as identified by the IFSP Team, in any one or more of the following areas including: physical development, cognitive development, communication development, social or emotional development, and adaptive development”.

- The right to refuse evaluations, assessments and EI services, including a refusal of some portion of the services documented on the IFSP;
- 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 EI services to your child or family;
- The right to receive timely written notice before a change is proposed or refused in the identification, evaluation or placement of your child, or in the provision of EI services to your child or family;
- The opportunity to receive EI services in natural environments within your family's routines, 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 inspect and review and, if appropriate, amend records;
- The opportunity to file a state complaint; and
- The right to request mediation and/or due process procedures to resolve disagreements between you and the EI Colorado Program or EI service provider.

## ***Procedural Safeguards***

Throughout your involvement with the EI Colorado Program you are assured of certain procedural safeguards and entitled to be notified of them. These are described below.

### ***A. Prior Written Notice***

Prior written notice must be given to you within a reasonable time before a CCB or EI service provider proposes or refuses to initiate or change the identification, evaluation, placement of your child, or the provision of appropriate EI 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 reason(s) for taking the action;
- All procedural safeguards that are available under the EI Colorado Program; including a description of mediation; and
- The EI Colorado Program's complaint procedures, including a description of how to file a state complaint or a due process complaint, and the timelines for those procedures.

The written notice must be:

- Written in language understandable to the general public and provided in your native language unless clearly not feasible to do so;
- If your native language or other mode of communication is not a written language, the CCB or EI service provider participating in the EI Colorado Program 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;
- There is written evidence that the requirements of this section have been met; and
- If you are deaf, blind, unable to read or have no written language, the mode of communication must be that normally used by you (such as sign language, Braille or oral communication).

## ***B. Informed Parental Consent***

Consent means that:

- You are fully informed of all information about the activity(ies) for which consent is sought. This information is provided in your native language unless clearly not feasible to do so, or other appropriate mode of communication;

**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, except for evaluations and assessments in which native language means the language normally used by the child, if developmentally appropriate.**

- You understand and agree in writing to the carrying out of the activity(ies) for which your consent is sought, and the consent describes the activity(ies) and lists the EI records (if any) that will be released and to whom; and
- You understand that the granting of consent is voluntary on your part and may be revoked at any time. If you revoke consent, it does not apply to an action that occurred before the consent was revoked.

Your written consent must be obtained before a developmental screening and/or the initial evaluation and assessment of your child is conducted. Your written consent must also be obtained before EI services are provided. If you do not consent, the CCB or service coordinator shall make reasonable efforts to ensure that you:

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

In addition, as the parent of a child eligible for the EI Colorado Program, you may determine whether your child or other family members will accept or refuse any EI service(s) under this program. You may also refuse such a service after first accepting it without jeopardizing other EI services your child receives under this program.

Finally, you have the right to receive written notice of, and give written consent to, the exchange of any personally identifiable information

collected, maintained or used, by the EI Colorado Program consistent with federal and state law.

## **C. Records**

**The following definitions are used in this section:**

**(1) “Destruction/destroy” means physical destruction of the record or ensuring that the personal identifiers are removed from a record so the record is no longer personally identifiable; (2) “Early intervention records” or “record(s)” mean all records regarding a child that are required to be collected, maintained, or used under Part C of the IDEA and (3) “Participating agency” means any individual, agency or institution which collects, maintains or uses personally identifiable information, or from which information is obtained, under Part C of the IDEA.**

### **I. Access to Records**

Your CCB must give you the opportunity to inspect and review all EI records relating to developmental screening, evaluation and assessment, eligibility determination, development and implementation of IFSPs, provision of EI services, complaints pertaining to your child and any other portion of the EI Colorado Program involving records about your child and your family, unless restricted under authority of applicable state law over such matters as guardianship, separation, or divorce.

**The right to access EI records includes:**

- The CCB must provide, at no cost to you, a copy of each developmental screening, evaluation, child and/or family assessment and IFSP as soon as possible after each IFSP meeting, and, in no case more than ten (10) calendar days after the request has been made.
- The CCB or EI service provider must comply with a request for records without unnecessary delay and before any meeting regarding an IFSP or hearing relating to identification, developmental screening, evaluation, placement or provision of EI services for your child and family and, in no case more than ten (10) calendar days after the request has been made.
- The CCB will give you an initial copy of your child’s EI record, at no cost to you.
- A CCB or EI service provider may charge a fee for additional copies of records which are made for you if the fee does not effectively prevent you from exercising your right to inspect and review those records; however, you cannot be charged a fee to search for or retrieve information.
- If any record includes information on more than one child, you may inspect and review, or be informed of, only the information relating to your child.
- A response from the CCB or EI service provider to reasonable requests for explanations and interpretations of the record.
- Having someone who is representing you inspect and review the record.

- A CCB or EI service provider will assume that you have the authority to inspect and review records relating to your child unless the agency or provider has been advised that you do not have the authority under applicable Colorado law.
- Each CCB or EI service provider shall keep a written record of parties obtaining access to records collected, maintained or used by the program, except access by parents and authorized employees of the CCB or EI service provider, including the name of the party, the date access was given and the purpose for which the party is authorized to use the child's EI record.
- Each CCB or EI service provider shall provide you, upon request, a list of the types and locations of records collected, maintained or used by the agency or provider.

If you believe that information in records collected, maintained or used by the EI Colorado Program is inaccurate or misleading, or violates the privacy or other rights of your child or family, you may request that the CCB or EI service provider amend the information.

- The CCB or EI service provider must decide whether to amend the information in accordance with the request within a reasonable period of time of receiving the request.
- If the CCB or EI service provider refuses to amend the information as you request, you must be informed of the refusal and be advised of the right to a hearing.

The CCB or EI service provider, on request, must provide an opportunity for a hearing to challenge information in EI records to ensure that it is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child.

- If, as a result of the hearing, the CCB determines that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must amend the information accordingly and inform you in writing.
- If as a result of the hearing the CCB decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, you must be informed of your right to place in the records of your child a written statement commenting on the information, and any reasons for disagreeing with the decision of the CCB.

Any statement of explanation placed in the records of your child under this section must:

- Be maintained by the CCB or EI service provider 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 the CCB or EI service provider; and
- If the records of your child or the contested portion are disclosed by the CCB or EI service provider to any party, the statement must also be disclosed to the party.

A hearing held under this section must be conducted according to the procedures under the Family Educational Rights and Privacy Act (FERPA), which is found in statute at 20 U.S.C. §1232g, and in federal regulations at 34 CFR Part 99.22.

## **II. Confidentiality of Information**

Parental consent must be obtained before personally identifiable information is:

- Disclosed to anyone other than authorized representatives, officials or employees of participating agencies collecting maintaining or using information by the EI Colorado Program, unless authorized to do so under FERPA (34 CFR 99.31); or
- Used for any purpose other than meeting a requirement under the EI Colorado Program's policies and procedures.

The following safeguards must be in place to ensure confidentiality of records:

- Each CCB or EI service provider must protect the confidentiality of personally identifiable information during collection, storage, disclosure and destruction;
- One official from each CCB or the EI service provider must be responsible for ensuring the confidentiality of any personally identifiable information;
- All persons collecting or using personally identifiable information must receive training or instruction regarding EI Colorado Program policies and procedures which comply with Part C of the IDEA and FERPA;
- Each CCB or EI service provider 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 and;
- The CCB or EI service provider must inform you when personally identifiable information collected, maintained or used by the EI Colorado Program is no longer needed to provide services to your child and the information must be destroyed, at your request. The CCB must keep your child's records for six (6) years. Permanent records of your child's name, address, phone number, attendance and year completed may be maintained without time limitations.

## **III. Administrative Unit Opt-Out Policy**

The EI Colorado Program at the CDHS is responsible for ensuring that all CCBs notify the school district and the Colorado Department of Education (CDE) when a child receiving EI services may be eligible for preschool special education services under Part B of the IDEA. This notification only includes the following personally identifiable information for your child and family:

- Child's name
- Date of birth
- Parent(s) contact information, including name(s), address(es) and phone number(s)

Prior to sending your information, your service coordinator will explain your choice to opt out of the school district notification. The process is described below:

- Between the time your child turns two years, three months of age and two years, nine months of age, or as soon as possible if your child entered the EI Colorado Program at a later age, personally identifi-

able information will be sent to the school district to initiate a smooth transition process to potential preschool special education services using an “AU/School District Notification” form.

- This information will be sent after ten (10) calendar days from the date entered on the “AU/School District Notification” form unless you indicate your preference to opt out of this notification in writing on the form.
- You may change your decision at any time by providing notice in writing to your service coordinator.
- If you decide to opt out of the school district notification, your local school district will not be able to determine if your child is eligible for preschool special education services.

## ***D. State Dispute Resolution Options***

The EI Colorado Program at the CDHS offers three (3) options for resolving disputes that are available at no cost to families: mediation; state complaint procedures; and due process hearings.

### **I. Mediation**

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 EI Colorado Program. Mediation is available for any type of dispute at any time, including prior to the filing of a due process complaint. Mediation is voluntary on the part of all parties. The EI Colorado Program at the CDHS identifies individual mediators to provide EI mediation services. Mediators are required to undergo training as a condition of serving as mediators. The EI Colorado Program at the CDHS maintains a list of qualified and impartial mediators who are trained in effective mediation techniques and are knowledgeable in laws, regulations, policies and procedures related to the provision of EI services.

#### **About Mediators and Hearing Officers...**

**Mediators used in mediation (and hearing officers used in due process hearings, as described in the next section) must be “impartial.” Impartial means that the person appointed to serve as a mediator or hearing officer of the due process proceeding:**

- **Is not an employee of any agency or program involved in providing EI 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 process;**
- **Is not an employee of an agency or program solely because the person is paid by the EI Colorado Program to implement the disagreement resolution process; and**
- **Is selected on a random basis.**



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

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 CCB to assist you in your native language or other 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 on your behalf, it may only be initiated with your consent. Once your written consent has been obtained to engage in mediation, evidence of that written consent will be attached to the request for mediation. The CCB or EI service provider's request that you agree to participate in mediation will be made in writing in your native language, to the maximum extent possible, and in a manner understandable to you.

The mediation process, including a written mediation agreement, will be completed within thirty (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 fifteen (15) calendar days to ensure enough time for completion of the due process proceeding or complaint investigation by the EI Colorado Program at the CDHS.

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 (parent and CCB or EI service provider) to the dispute.

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

- 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 EI Colorado Program at the CDHS who has the authority to bind the agency to what has been agreed upon.

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

The EI Colorado Program at the CDHS must bear the cost of the mediation process, including the costs of meetings or sessions described above.

## **II. State Complaint Procedures**

If you disagree with your CCB or EI service provider participating in the EI Colorado Program on the identification, evaluation, placement of your child in EI services, or provision of appropriate EI services to your child or family, you may request a timely resolution of your concerns.

An individual or organization, including those from another state, may file a written, signed complaint that any CCB or EI service provider is violat-

ing a requirement of the Part C of the IDEA legislation. The EI Colorado Program at the CDHS widely disseminates complaint procedures included in this brochure, to parents and other interested individuals, including parent training centers, protection and advocacy agencies, and other appropriate entities. The complaint must include:

- A statement that the CCB, EI Colorado Program at the CDHS, public agency or EI service provider has violated a requirement of Part C of the IDEA;
- The facts on which the statement is based;
- The signature and contact information for the individual filing the complaint; and
- The name of the child, address where the child resides, a description of the nature of the problem, facts relating to the problem and a proposed resolution of the problem, if alleging violations with respect to a specific child.

The individual or organization filing the complaint must forward a copy of the complaint to the CCB or EI service provider serving the child at the same time the party files the complaint with the EI Colorado Program complaint officer at the CDHS.

Complaints must be filed and received by the EI Colorado Program at the CDHS within one (1) year of the alleged violation.

Once the EI Colorado Program at the CDHS has received the complaint, the complaint officer has sixty (60) calendar days, unless exceptional circumstances exist to:

- Investigate the complaint, including conducting an independent, on-site investigation, if necessary;
- Make an independent determination as to whether or not a violation of Part C of the IDEA has occurred after reviewing all relevant information; and
- Issue a written decision to the complainant that addresses each allegation in the complaint and that contains related facts and conclusions as well as the reasons for the final decision.

The individual or organization filing the complaint has the opportunity to submit additional information, either orally or in writing, about the complaint.

The CCB, EI Colorado Program at the CDHS, or the EI service provider must be given an opportunity to respond to the complaint and there must be an opportunity for the person who filed a complaint and the CCB or EI service provider to voluntarily engage in mediation.

If the final decision indicates that appropriate services were/are not being provided, the EI Colorado Program at the CDHS must ensure that the CCB will address how to remediate the denial of the 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. This must include procedures for effective implementation of the decision, if needed, including technical assistance activities, negotiations and corrective actions to achieve compliance.

The EI Colorado Program at the CDHS must also ensure the CCB will

address appropriate future provision of EI services for all infants and toddlers with disabilities and their families.

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 EI Colorado Program at the CDHS 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 action must be resolved within the sixty (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 EI Colorado Program at the CDHS must inform the complainant to that effect.

Any complaint alleging a CCB's or EI service provider(s) failure to implement a due process decision must be resolved through the EI Colorado Program at the CDHS.

### **III. Due Process Hearings**

A due process hearing is a formal procedure conducted by an impartial hearing officer and is another alternative for families seeking to file a complaint. Families seeking a due process hearing must submit their request in writing directly to the EI Colorado Program at the CDHS. The due process hearing must be completed, and a written decision mailed to each of the parties within thirty (30) calendar days of the receipt of the request. Mediation, if attempted, must occur within the same thirty (30) days. A hearing officer may grant specific extensions of time beyond the period set at the request of either party.

Hearing officers must:

- Have knowledge about the provisions of Part C of the IDEA and the needs of, and EI services available for, children and their families; and
- Perform the following duties:
  - Listen to the presentation of relevant viewpoints about the due process complaint, examine all information relevant to the issues, and seek to reach a timely resolution of the due process complaint.
  - Provide a record of the proceedings at the cost of the EI Colorado Program at the CDHS, including a written decision (hearing only).

You have the rights listed below in any due process hearing carried out under this section:

- To be accompanied and advised by a lawyer (at your expense) and/or by individuals with special knowledge or training about EI services for children;
- To present evidence and confront, cross examine, and compel the attendance of witnesses;
- To prohibit the introduction of any evidence at the hearing that has not been disclosed to you at least five (5) calendar days before the hearing;
- To obtain a written or electronic verbatim (word-by-word) transcription of the proceeding at no cost to you; and

- To obtain written findings of fact and decisions at no cost to you.

The due process hearing described in this section must be carried out at a time and place that is reasonably convenient to you.

Any party not satisfied with the findings and decision of the impartial due process hearing has the right to bring a civil action in state or federal court. During the time period (pendency) of any proceeding involving a parent or EI service provider complaint, unless the CCB or EI service provider participating in the EI Colorado Program and you otherwise agree, your child and family will continue to receive the appropriate EI services in the setting identified on the IFSP to which you have consented.

If the complaint between you and the CCB or EI service provider involves the implementation of initial EI services, your child and family must be provided those services that are not in dispute.

## ***E. Surrogate Parents***

In the following circumstances a surrogate parent that meets requirements will be designated by the CCB to ensure that the rights of a child are protected.

The rights of children in an EI Colorado Program are protected when:

- No parent can be identified;
- The CCB or other public agency after reasonable efforts:
  - Cannot locate a parent; or
  - The child is a ward of the State under the laws of Colorado.

The EI Colorado Program at CDHS must make reasonable efforts to ensure the CCB makes an assignment of a surrogate parent not more than thirty (30) days after it is determined a child needs a surrogate parent.

An individual is assigned to act as a “surrogate” for the parent according to the procedures that follow and has the same rights as a parent once assigned:

- Surrogate parents are selected by the CCB in the manner allowable under Colorado law; and
- A person selected as a surrogate parent should:
  - Have no interest that conflicts with the interest of the child he or she represents;
  - Have knowledge and skills that ensure adequate representation of the child including training offered by the EI Colorado Program;
  - Not be an employee of the EI Colorado Program or any other public agency that provides EI services, education, care or other services to the child or to any family member of the child.
  - Not be an employee solely because he or she is paid by a CCB or EI service provider to serve as a surrogate parent; and
  - Reside in the same general geographic area as the child, whenever possible.

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

- The evaluation and assessment of the child;
- The development and implementation of the child's IFSP, including annual evaluations and periodic reviews;
- The ongoing provision of EI Services to the child; and
- Any other rights established under the EI Colorado Program policies and procedures.

## ***F. Contact Information***

You are encouraged to work with your CCB and/or EI service provider to resolve any disagreements before filing a complaint, however, you have the right to file a complaint, request mediation, or a due process hearing at any time. To find out more information about complaint procedures in Colorado, you may either contact your local EI Colorado Program at:

Community Centered Board Label (with phone number)

or, receive further information from the state lead agency for the EI Colorado Program at the CDHS using the contact information below.

**Direct phone: 303-866-5916**

**Toll free: 1-888-777-4041**

**Fax: 303-866-5200**

## ***G. Glossary***

***Assessment***—The ongoing procedures used by qualified personnel to identify:

- The child's unique strengths and needs and the services appropriate to meet those needs throughout the period of a child's eligibility; 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.

***Consent***—The parent has been fully informed of all information relevant to the activity for which consent is sought in the parent's native language, the parent understands and agrees in writing to the carrying out of the activity, it is voluntary and can be revoked at any time and if revoked, the revocation does not apply to an action that occurred before the consent was revoked.

***Disclosure***—Permits access to, or the release, transfer or other communication of, early intervention records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written or electronic means.

**Evaluation**—The procedures used by qualified personnel to determine a child’s initial and continuing eligibility for EI services in the EI Colorado Program, consistent with the definition of “an infant or toddler with a disability”, including determining the status of the child in each of the developmental areas. Developmental areas include: Adaptive development, Cognitive development, Communication development, Physical development (including fine motor, gross motor, vision and hearing), and Social and emotional development. An initial evaluation refers to the child’s evaluation to determine his or her initial eligibility.

**Early Intervention Service Provider**—An EI service provider means anyone (whether public, private or nonprofit) that provides EI services under the EI Colorado Program

**Family Assessment**—Family-directed assessment designed to identify and describe, in the words of the family, the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family’s capacity to meet the developmental needs of the child. Must be conducted in the native language of the family unless clearly not feasible to do so. Must be voluntary and based on information obtained through an assessment tool and also through a personal interview with the family using a family assessment tool.

**Individualized Family Service Plan (IFSP)**—A written plan for providing EI Services to eligible children and their families that:

- Is developed jointly by the family and appropriate, qualified personnel providing EI 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 required, and includes services necessary to enhance the development of the child and the capacity of the family to meet the special needs of the child.

**Mediation**—A voluntary process freely agreed to by parents and providers to attempt to resolve disagreements. Neither party is required to participate in the mediation process and both parties must approve any agreement reached. Mediation may not be used to deny or delay a family’s right to a due process hearing or any other rights.

**Multidisciplinary**—An evaluation group that is made up of qualified people who have different areas of training and experience.

**Natural Environment**—Settings that are natural or typical for a same-aged peer who does not have a disability. May include the home or community settings.

**Opt Out**—Procedural safeguard to provide the parent with a choice to prevent the sharing of personally identifiable information with the school district for children that are potentially eligible for preschool special education services.

**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 EI, 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, or an individual who is legally responsible for the child's welfare; or
- A surrogate parent who has been appointed in accordance with the EI Colorado Program requirements.

Except as provided below, the biological or adoptive parent when attempting to act as the parent, 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 EI decisions for the child.

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 or EI decisions on behalf of a child, then such person or persons shall be determined to be the parent for purposes of EI. An EI service provider or public agency, however, may not act as a parent to the child in cases where services are being provided to the child or family member by that provider or public agency.





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For more information about  
Colorado's early intervention system, call

**1-888-777-4041**

or visit

**[www.eicolorado.org](http://www.eicolorado.org)**



**COLORADO**

Department of Human Services