

PROCEDURAL SAFEGUARDS**Introduction**

The Kansas Infant-Toddler Services, with emphasis on developing and providing family-guided services with parents as partners, requires safeguards concerning resolution of conflicts, access to records, and confidentiality of information. These safeguards are responsive to the needs of the child and family and result in timely conflict resolution.

I. Definitions Used in This Section**A. *Parent* means:**

1. a natural or adoptive parent(s) of a child;
2. a guardian (the term does not include the state if a child is a ward of the state, and does not include Social and Rehabilitation Services case workers);
3. a person acting in place of a parent (including a grandparent, stepparent, or other relative with whom the child lives, or a person who is legally responsible for the child's welfare);
4. a child advocate who has been appointed according to Part C procedures in this section; or
5. foster parents only if they have been trained and appointed as child advocates.

(34 CFR 303.19)

B. *Consent* means that:

1. the parent has been fully informed of all information relevant to the activity for which the consent is sought, in the parent's native language or other mode of communication;
2. the request for consent describes the activity and lists the records (if any) that will be released and to whom. The parent or parents understand and agree in writing to the carrying out of the activity for which consent is sought, and
3. the parent understands that the granting of consent is voluntary and may be revoked at any time.

(34 CFR 303.401)

C. *Native language*, when used with respect to an individual who is limited English proficient, means the following:

1. the language or mode of communication normally used by that individual, or, in the case of a child, the language or mode of communication normally used by the parents of the child, except as provided in item 2 below.

(34 CFR 303.401)

2. in all direct contact with a child (including evaluation of the child), the language or mode of communication normally used by the child in the home or learning environment.
3. for an individual with deafness or blindness, or for an individual with no written language, the term *native language* means the mode of communication that is normally used by the individual (such as sign language, Braille, or oral communication).

D. *Personally identifiable* means information that includes:

1. the name of the child, the child's parent, or other family member;
2. the address of the child or child's family;
3. a personal identifier, such as the child's or parent's social security number or student number; or
4. a list of personal characteristics or other information that would make the child's or parent's identity easily traceable.

(34 CFR 303.401)

E. *Impartial*, when applied to the mediator or hearing officer, means that the person appointed to implement the complaint resolution process:

1. is not an employee of any agency or other entity involved in the provision of early intervention services or care of the child;
2. does not have a personal or professional interest that would conflict with his or her objectivity in implementing the process; and
3. otherwise qualifies under this definition and is not an employee of an agency solely because the person is paid by the agency to implement the complaint resolution process.

(34 CFR 303.421)

F. *Education records* includes all early intervention records required to be collected (KAR 28-4-550) maintained, or used under Part C of IDEA and the regulations, including reports, letters, or other documents that are collected, maintained, or used by the agency in the screening, evaluation, development of an Individualized Family Service Plan (IFSP) and/or in the delivery of services, or both.

G. *Mediation* means the process by which participants, with the assistance of a neutral person, resolve a dispute through discussion of options, alternatives and negotiation (KAR 28-4-550).

- H. *Due process hearing* means a formal hearing process that provides the family or the agency providing the services a forum for considering individual child complaints by an impartial decision-maker.

(34 CFR 303.510-303.512)

- I. *Evaluation* means the methods used to review the assessments of the child and family by appropriate qualified personnel to establish a child's initial and continuing eligibility under the Kansas Infant Toddler Services (Part C of IDEA), including level of functioning in each of the following developmental areas: (1) cognitive; (2) physical, including health, motor, vision, and hearing; (3) communication; (4) social or emotional; and (5) adaptive/self-help development.

(34 CFR 303.322)

- J. *Assessment* means the initial and ongoing procedures used by appropriately qualified personnel throughout the period of a child's eligibility for the Kansas Infant Toddler Services (Part C of IDEA) to identify

1. the child's unique strengths and needs;
2. the family's resources, priorities, and concerns related to development of the child; and
3. the nature and extent of early intervention services that are needed by the child and the child's family to meet the needs of the child and family.

(34 CFR 303.322)

- K. *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

- L. *Participating agency* means any individual, agency or institution that collects, maintains, or uses personally identifiable information and includes KDHE, Infant Toddler Services and early intervention services providers.

- M. *Natural environment* to the maximum extent appropriate to the needs of the child, early intervention services must be provided in natural environments, including the home and community settings in which children without disabilities participate.

(34 CFR 303.12)

II. Procedural Safeguards Overview

The Kansas Department of Health and Environment (KDHE) serves as the lead agency for the Kansas ITS program (also referred to as *tiny-k*). KDHE must ensure, either independently or through their local lead agency, that the procedural safeguards are followed and enforced. See Appendix A for sample forms and Parent Rights Brochure. (also available on the web site):

http://www.ksits.org/download/Parents_Rights_Booklet.pdf

A. Prior Written Notice and Procedural Safeguards Notice

1. Prior written notice and the procedural safeguards notice must be given to the parents of a child a reasonable time before a public agency or service provider proposes, or refuses, to initiate or change the identification, evaluation, or placement of the child or the provision of appropriate early intervention services to the child and the child's family.

(34 CFR 303.403)

2. Content of the prior written notice and the procedural safeguards notice shall be in sufficient detail to inform the parents about:
 - a. the action that is being proposed or refused by the early intervention services program;
 - b. the reasons for taking the action; and
 - c. all procedural safeguards that are available under Part C, including mediation, filing a complaint with the state, a due process complaint, and any timelines under those procedures.
3. Native Language
 - a. The notice must be:
 - i. written in language understandable to the general public; and
 - ii. provided in the native language of the parents, unless it is clearly not feasible to do so.
 - b. If the native language or other mode of communication of the parent is not a written language, the public agency or designated service provider shall take steps to ensure that
 - i. the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
 - ii. the parent understands the notice; and
 - iii. there is written evidence that the requirements of this paragraph have been met.
 - c. The mode of communication shall be that normally used by the parent (such as sign language, Braille, or oral communication) if the parents are deaf or blind, or have no written language.

B. Parent Consent

1. Written parental consent shall be obtained before:
 - a. conducting the initial evaluation and assessment of a child;

- b. initiating the provision of early intervention services;
 - c. public or private insurance is used; and
 - d. exchange of personally identifiable information among agencies.
- 2. If consent is not given, the public agency shall make reasonable efforts to ensure that the parent
 - a. is fully aware of the nature of the evaluation and assessment or the services that would be available; and
 - b. understands that the child will not be able to receive the evaluation, assessment, or services unless consent is given;

If the parents do not consent to a particular early intervention service or withdraw consent after first providing it, the service may not be provided. The early intervention services to which consent is obtained must be provided

(20 USC 1436; 34 CFR 303.404 and 405)

- 3. If the parent does not give consent
 - a. the lead agency may, but is not required to, use due process hearing procedures to challenge the parent's refusal to consent to an evaluation and assessment of the child for early intervention services;
 - b. the lead agency may not use the due process procedures to challenge the parent's refusal to consent to the provision of an early intervention service or the use of insurance.
- 4. The parents of an infant or toddler with a disability
 - a. may determine whether they, their infant or toddler with a disability, or other family members will accept or decline any early intervention service; and
 - b. may decline a service after first accepting it, without jeopardizing other early intervention services.

If parental consent for evaluation, assessment, or initiation of services is not given, and the situation warrants, the local education agency (LEA) may initiate a complaint of neglect with the Kansas Social and Rehabilitation Services (SRS).

(34 CFR 303.404; KAR 28-4-552)

III. Child Advocate (Surrogate Parent) (34 CFR 303.406 and KAR 28-4-568)

KDHE and SRS have developed the Child Advocate Program to meet the need of infants and toddlers whose parents are unknown or unavailable. KDHE contracts with Families Together,

Inc., the Kansas Parent Training and Information Center, to ensure that all children have a child advocate to represent them in critical decisions involving Part C early intervention services.

- A. Participating agencies, with the assistance of Families Together, Inc., if needed, must ascertain the legal relationship between the adult caregiver and the child prior to screening, evaluation, and assessment.
- B. Child advocates will be assigned to the child by Families Together, Inc., in conjunction with participating agencies if
 - 1. no parents can be identified;
 - 2. the public agency, after reasonable efforts, cannot locate a parent; or
 - 3. the child is a ward of the state under the laws of Kansas
- C. The method used for assigning a child advocate is as follows:
 - 1. SRS case workers, Infant-Toddler Services/tiny-k networks, contractor staff, and others must inform Families Together, Inc., upon determining that a child needs a child advocate;
 - 2. Families Together, Inc., under the authority of KDHE, appoints an appropriate child advocate;
 - 3. Families Together, Inc. notifies the child advocate, the local network Part C coordinator, the SRS case manager and KDHE of the appointment
- D. Criteria for selecting child advocates are as follows:
 - 1. The child advocate must have completed an at-home training to become a child advocate.
 - 2. Families Together, Inc., must ensure that a person selected as a child advocate
 - a. is not an employee of the lead agency or any other public agency or early intervention services provider that provides early intervention services or other services to the child or any family member of the child;
 - b. has no personal or professional interest that conflicts with the interests of the child whom he or she represents; and
 - c. has knowledge and skills that ensure adequate representation of the child.
 - 3. A resource parent (foster parent) may become an appointed child advocate if they complete the training and there are no other conflicts of interests.
 - 4. A person assigned as a child advocate is not an employee of the agency solely because he or she is paid by the agency to serve as a child advocate.
- E. Child advocate responsibilities.

1. The child advocate has the same rights as a parent for all purposes under the Kansas Infant Toddler Services programs. A child advocate may represent a child in all matters related to
 - a. the evaluation and assessment of the child;
 - b. development and implementation of the child's IFSP, including annual evaluations and periodic reviews;
 - c. the ongoing provision of early intervention services to the child; and
 - d. any other rights established under this part.
2. A child advocate should sign consent for screening, evaluation, provision of Part C services, and for the release of any Part C records. Most often the resource parent (foster parent) is the child advocate and should sign Part C paperwork as the child advocate.

For additional information, contact the child advocate coordinator at Families Together, Inc., in the Topeka Center at 785.233.4777 or 800.264.6343 (for Kansas parents and advocates) or by e-mail at topeka@familiesaltogetherinc.org.

IV. Lead Agency Procedures for Complaint Resolution

KDHE offers parents of children enrolled in Kansas' early intervention programs and others (such as medical professionals, service providers, concerned citizens, etc), options for the resolution of complaints. The following procedural safeguards reflect the federal regulations of Part C of IDEA (34 CFR 303.419-303.425 and 303.510-512) and provide parents a means of filing a complaint or requesting to resolve a disagreement through due process in a timely, impartial and consistent manner.

In accordance with 34 CFR Sec. 303.510 – 303.512, KDHE has adopted written procedures to (1) investigate any complaint that it receives (including individual child complaints and those that are systemic in nature) and resolve the complaint if it is determined that a violation has occurred. This includes a complaint filed by an organization or individual from another State indicating that any public agency or private service provider is violating a requirement of the regulations as stipulated by Part C of the Individuals with Disabilities Education Act (IDEA).

A. Informal Complaint

1. KDHE offers a toll free number where parent issues/concerns may be received for review and analysis.
2. Parents may contact this number where the nature and scope of their concerns are gathered by a consultant.
3. Most matters should be resolved within 10 to 15 business days .
4. Any matters that are not resolved within 15 days will be forwarded to the State ITS Coordinator.

5. All individuals who call are always advised of their right to file a request for a formal complaint, mediation or due process fair hearing at any time.

B. Formal Administrative Complaint

1. In accordance with CFR Sec. 303.511, an individual or organization may file a written, signed complaint under CFR Sec. 303.510. The complaint must include:
 - a. A statement that the State or early intervention provider has violated a requirement of Part C of the IDEA or the regulations in this part; and the facts on which the complaint is based.
 - b. Limitations. The alleged violation must have occurred not more than one year before the date that the complaint is received by KDHE unless a longer period is reasonable because the violation is continuing, or the complaint is requesting compensatory services for a violation that occurred not more than three years prior to the date that the complaint is received by KDHE.
2. In resolving a complaint which it finds failure to provide appropriate services, KDHE will address:
 - a. How to remediate the denial of those 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; and
 - b. Appropriate future provision of services for all infants and toddlers with disabilities and their families.
3. In accordance with CFR Sec. 303.512:

KDHE has in its complaint procedures a time limit of 60 calendar days after a complaint is filed under Sec. 303.510(a) to:

 - a. carry out an independent on-site investigation, if KDHE determines that such an investigation is necessary;
 - b. give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
 - c. review all relevant information and make an independent determination as to whether there has been a violation of a requirement of Part C of IDEA or of this Part; and
 - d. issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of fact, conclusions and the reason for the lead agency's final decision. KDHE's procedures permit an extension of the time limit under paragraph (a) of this section only if exceptional circumstances exist with respect to a particular complaint.

- e. include procedures for effective implementation of KDHE's final decision, if needed, including:
 - i. technical assistance activities;
 - ii. negotiations; and
 - iii. corrective actions to achieve compliance.
- f. If a written complaint is received that is also the subject of a due process hearing under Sec. 303.420, or contains multiple issues, of which one or more are part of that hearing; KDHE will 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 a part of the due process action will be resolved within the 60 calendar-day timeline using the complaint procedures described in paragraph (3) of this section.
- g. 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:
 - ii. The hearing decision is binding; and
 - iii. KDHE must inform the complainant to that effect.
- a) KDHE will resolve a complaint alleging a public agency's or private service provider's failure to implement a due process decision.

V. Requests for Due Process Hearings and Mediations

A. Filing:

1. A parent or early intervention provider may file a written request for a due process hearing and/or mediation on any issue in dispute as to identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and the child's family. A parent or provider may also seek resolution of a dispute by filing a complaint.
 - a. A request for a due process hearing or mediation shall be in writing.
 - b. Within three days of receiving a request for a due process hearing or mediation, KDHE shall notify the parent of the right to be advised by an individual with special knowledge of early intervention services; the option of mediation, including a description of the mediation process and its voluntary nature; and the alternative of having KDHE investigate the complaint pursuant to 34 CFR 303.510 through 303.512. KDHE shall also send the parent a copy of the notice of rights specified in this section.
 - c. During the process of appeal or mediation, the child and family shall be entitled to those services which are currently being provided or, if initial services, are not in dispute. If there is a dispute between agencies or providers as to payment for early intervention services provided under the

IFSP, KDHE shall ensure the provision of services without charge until the dispute is resolved.

B. Mediation Process:

1. Whenever a hearing is requested, parties must be offered the choice to resolve their disputes through a mediation process. Mediation may also be offered and accessed at any time to resolve a dispute. If mediation is requested, KDHE shall promptly appoint a qualified and impartial mediator who is trained in effective mediation techniques. The mediator shall promptly schedule a meeting to be held within 14 days, unless otherwise requested by the parent, at a mutually convenient time and place.
2. KDHE will ensure that the mediation process is:
 - a. voluntary on the part of the parties;
 - b. is not used to deny or delay a parent's right to a due process hearing or any other rights afforded under 34 CFR Sec. 303.400 – 303.460 and 303.510-303.512; and
 - c. Is conducted by a qualified and impartial mediator.
3. KDHE shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.
4. KDHE shall bear the cost of the mediation process.
5. 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.
6. A parent may proceed with the hearing process while engaged in mediation. A parent may also request mediation at any time during the hearing process.
7. An agreement reached by the parties to the dispute in the mediation process must be set forth in a written mediation agreement.
8. Discussion that occurs during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. The parties to the mediation process will be required to sign a confidentiality pledge prior to the commencement of the process.

C. Procedures to Address the Requests for Due Process Hearing

1. Upon receipt of a written request for due process hearing under this section, KDHE shall promptly appoint an impartial hearing officer who shall be knowledgeable about the provisions of Part C and the needs of and services available to eligible children. Such hearing officer shall be impartial, and shall not have a personal or professional conflict of interest that interferes with their

objectivity. The hearing officer shall not be an employee of KDHE, or an agency or provider involved in the provision of early intervention services to, or care of the child; however, that person may be paid by KDHE to serve in the capacity of hearing officer.

2. If a parent initiates a request for a due process hearing, KDHE will inform the parent of the availability of mediation described in section V B (34 CFR 303.419).
3. The hearing officer shall:
 - a. promptly arrange for a hearing at a time and a place that is reasonably convenient to the parents and duly notify the parties;
 - b. listen to the presentation of the relevant viewpoints about the issue(s) in dispute;
 - c. examine all information relevant to the issues;
 - d. seek to reach a timely resolution of the complaint; and
 - e. provide a record of the proceedings and mail a written decision to each of the parties.
4. The hearing process shall be governed by all appropriate Federal and State rules and regulations, and shall include the right to present evidence, and confront, cross-examine and compel the attendance of witnesses. In addition, the parent shall have the right to:
 - a. have the child and family be accompanied and advised by their own legal counsel and by other individuals with special knowledge or training with respect to early intervention services;
 - b. have the hearing closed to the public, unless otherwise requested by the parents;
 - c. prohibit the introduction of evidence not disclosed at least five days prior to the proceeding, unless agreed to by the parties;
 - d. be provided with an electronic or written verbatim transcription of the proceeding;
 - e. obtain written findings of fact and a written decision within 30 days of the receipt of the request for a hearing.
5. Not later than 30 days after the receipt of a request for hearing, the parties shall be notified by mail in writing of the decision, the reasons for the decision, all relevant findings of fact and conclusions of law, and the right to appeal the decision in state or federal court.
6. A central file of decisions shall be a public record with the exception of personally identifying information shall be maintained.

7. The hearing officer's decision shall be promptly implemented in accordance with the hearing officer's decision.

D. Status of Child During Proceedings

1. During the pendency of any administrative or judicial proceeding involving a request for a due process hearing under section IX.B. and C. (CFR 303.420), unless the public agency and parents of a child otherwise agree, the child must continue to receive the appropriate early intervention services currently being provided.
2. If the proceeding involves an application for initial services under this section, the child must receive services not in dispute.

VI. Confidentiality and Access Rights

A. Confidentiality Procedures

1. The parent of a child referred to the Kansas Infant-Toddler Services is afforded the right to confidentiality of personally identifiable information, including the right to written notice of, and written consent to, the exchange of that information among agencies.
2. Providers of early intervention services must comply with the Kansas Infant-Toddler Services confidentiality procedures, which contain confidentiality provisions that are consistent with, but broader than, those under the Family Educational Rights and Privacy Act (FERPA).
3. The confidentiality procedures described in this section apply to the personally identifiable information of a child and the child's family that
 - a. is contained in early intervention records collected, used, or maintained under this part by the lead agency (KDHE) or an Infant-Toddler Services, and
 - b. is in effect from the point in time when the child is referred for early intervention services until the lead agency or early intervention service provider is no longer required to maintain that information.
4. To enable the Kansas Infant Toddler Services as well as LEAs under Part B, to identify all children potentially eligible for services under Part C and Part B of IDEA, the Infant-Toddler Services/tiny-k network must disclose to the LEA where the child resides the following limited information that would otherwise be determined to be personally identifiable information
 - a. a child's name
 - b. a child's date of birth

- c. parent contact information (including parents' names, addresses, and telephone numbers).

(34 CFR 300.622(b) (1); OSEP Letter to Mary Elder, February 11, 2004)

B. Notice to Parents

1. KDHE must give notice that is adequate to fully inform parents about the confidentiality requirements of the Kansas Infant-Toddler Services. This notice shall be provided before any Child Find activity. The notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the community. The notice shall include:
 - a. A description of the extent to which the notice is given in the native languages of the various population groups in the community;
 - b. A description of the children for whom personally identifiable information is maintained, the types of information sought, the methods the community intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
 - c. A summary of the policies and procedures that participating agencies shall follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
 - d. A description of all of the rights of parents and children regarding this information, including the rights under Part C confidentiality provisions in Sections 438 of General Education Provisions Act (GEPA) and Part 99 of Family Education Rights and Privacy Act of 2007 (FERPA) and implementing regulations.

(34 CFR 300.612)

C. Access Rights

1. Each participating agency must permit parents to inspect and review any of the child's records that are collected, maintained, or used by the agency under this part. The agency must comply with a request without unnecessary delay and before any meeting regarding an IFSP, before the provision of early intervention services, or hearing relating to the identification, evaluation, or placement of the child and in no case more than 45 days after the request has been made.
2. The right to inspect and review education records under this section includes:
 - a. a response from the participating agency to reasonable requests for explanations and interpretations of the records;
 - b. a request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

- c. the right to have a representative of the parent inspect and review the records.
3. An agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

(34 CFR 300.613)

D. Record of Access

Each participating agency must post a list of authorized personnel who have access to records. The agency must keep a record of parties obtaining access to records collected, maintained, or used as part of the Infant-Toddler Services (except access by parents and authorized employees of the participating agency), including

1. The name of the party;
2. The date access was given; and
3. The purpose for which the party is authorized to use the records.

(34 CFR 300.614)

E. Records on More Than One Child

If any record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

(34 CFR 300.615)

F. List of Types and Locations of Information

Each participating agency shall provide parents, on request, a list of the types and locations of records collected, maintained, or used by the agency.

(34 CFR 300.616)

G. Fees

1. Each participating agency may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review the records.
2. A participating agency shall not charge a fee to search for or to retrieve information under this part.

(34 CFR 300.617)

H. Amendment of Records at Parent Request

1. A parent who believes that information in records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child, may request the participating agency which maintains the information to amend the information.
2. The participating agency must decide whether to amend the information in accordance with the request within a reasonable time (30 calendar days) after receipt of the request.
3. The agency must inform the parents of the agency's refusal to amend the information in accordance with the request. The agency must advise the parents of the right to a hearing under this part.
4. If the contractor determines the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, the contractor must amend the record and provide the parent with written confirmation.

(34 CFR 300.618)

I. Opportunity for a Hearing

The participating agency must, on request, provide an opportunity for a due process hearing (according to Part C requirements) to challenge information in records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

(34 CFR 300.619)

J. Result of Hearing

1. If, as a result of the due process hearing, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child or family, it must amend the information accordingly and inform the parent in writing.
2. If, as a result of the due process hearing, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.
3. Any explanation placed in the records of the child under this section shall:
 - a. be maintained by the agency as part of the records of the child as long as the record or contested portion is maintained by the agency; and
 - b. be disclosed to the party if the record of the child or the contested portion is disclosed by the agency to any party.

(34 CFR 300.620)

K. Hearing Procedures

A due process hearing regarding record content must be conducted according to the procedures of FERPA, Section 99.22.

(34 CFR 300.621)

L. Consent

1. Parental consent must be obtained before personally identifiable information is:
 - a. disclosed to anyone other than authorized representatives, officials, or employees of participating agencies collecting or using the information under this part; or
 - b. used for any purpose other than meeting a requirement under this part.
2. A participating agency or an institution subject to FERPA, Section 99.31, or IDEA must not release information from education records to participating agencies without parental consent unless authorized to do so.
3. Parental consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of this part.
4. According to FERPA, the request for release of information must
 - a. specify the records that may be disclosed;
 - b. state the purpose of the disclosure; and
 - c. identify the party or class of parties to whom the disclosure may be made.
 - d. all releases are revocable at any time;
 - e. a release is valid for 12 months (unless otherwise specified); and
 - f. parents may request a copy of any records disclosed.
5. If parents refuse to provide consent under this section, parents must be given information regarding their due process rights and an opportunity to implement a due process hearing.
6. When parents refuse consent, the lead agency may implement a due process hearing in order to obtain the records.

(34 CFR 300.622)

M. Safeguards

1. Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

2. One official at each participating agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information.
3. All persons collecting or using personally identifiable information shall receive training or instruction regarding the State's policies and procedures under this part and FERPA.
4. Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

(34 CFR 300.623)

N. Destruction of Information

1. The public agency shall inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide early intervention services to the child.
2. The information must be destroyed at the request of the parents. However, a permanent record of a child's name, address, birth date, parent contact information (including address and phone numbers), names of services coordinator(s) and early intervention services provider(s), and exit data (including year and age upon exit, and any programs entered into upon exiting) may be maintained without time limitation.

(34 CFR 300.624)

O. Enforcement

KDHE implements a monitoring system that includes sanctions to ensure that Kansas Infant Toddler Services policies and procedures are followed and that the requirements of the IDEA 2004 and the regulations for Part C are met.

(34 CFR 300.626)