

**NOTICE OF
INFANT/TODDLER AND FAMILY
RIGHTS UNDER
VIRGIN ISLANDS INFANTS AND TODDLERS
PROGRAM**

U. S. Virgin Islands Department of Health



February 2005

Foreword

The Notice of Infant/Toddler and Family Rights under the U.S. Virgin Islands Infants and Toddlers Program (ITP) describes your child's and family's rights, as defined by Part C of the Individuals with Disabilities Education Act (IDEA). IDEA is a federal law which includes provisions for early intervention services for eligible children starting at birth. To support the implementation of these federal requirements, the U. S. Virgin Islands Infants and Toddlers Program has developed policies and procedures which meet these federal and state Part C requirements.

Because this document is an official notice of your rights under federal law and regulations, some terms may be unfamiliar to you. For this reason, some words are defined where they are used in the document and others are defined in the Glossary.

The service coordinator working with your family can suggest additional materials to help you understand your rights. He/she can also suggest ways that you and other family members can be partners with professionals to help meet the developmental needs of your child.

For more information contact:

Infants and Toddlers Program
Department of Health
Estate Contant #78-1, 2, 3
Elaineco Complex
St. Thomas, USVI 00802
Phone: (340) 777-8804
Fax: (340) 774-2820
birthto3usvi@viaccess.net

Table of Contents

Foreword.....	2
From Referral to Individualized Family Service Plan (IFSP) Development, Key Points in Process.....	4
Introduction	6
Parental Consent	7
Prior Notice	9
Examination of Records	9
Confidentiality of Information	10
Resolution of Individual Child Complaints	13
Mediation	13
Impartial Due Process Hearing	14
Administrative Complaints	15
Surrogate Parents.....	17
Glossary.....	18
Local Infants and Toddlers Program Contact Information	20
My Service Coordinator Information	20
Notes	21

From Referral to IFSP Development, Key Points in Process

Referral -

Your child can be referred to the Infants and Toddlers Program by you or another individual (pediatrician, nurse, child care provider, therapist, another parent, etc.). *Referrals* may be made by telephone, fax, in writing, or in person. A **45-day timeline** begins on the day the referral is received by the Infants and Toddlers Program in which your child's Individualized Family Service Plan (IFSP) must be developed if your child is eligible for Part C services.

Intake -

The *intake* meeting will be your first face-to-face contact with the Infants and Toddlers Program personnel. During this meeting, you will be asked about your child and his/ her developmental and medical history as well as your priorities as a family. You will also be provided with written prior notice and asked for your consent to evaluate your child. You may also be asked for your written consent for the Infants and Toddlers Program to request pertinent information about your child from his/her doctors and others involved in his/her life.

Parental Prior Notice -

Written prior notice must be given to parents/legal guardians in a timely manner before the Infants and Toddlers Program proposes or refuses to initiate or change the identification, evaluation, or placement of your child or the provision of appropriate early intervention services to your child and family. You will be given prior notice before your child's evaluation, if he/she is found to be eligible for the Infants and Toddlers Program, and before his/her individualized family service plan is developed or modified.

Parental Consent –

Consent means that you, as your child's parents/legal guardians, have been fully informed of all information about the activity for which you are asked to consent. Information must be provided to you in your native language or other mode of communication unless it is clearly not feasible to do so. You will be asked to provide consent before each screening, evaluation and assessment is conducted and before early intervention services are provided.

Screening -

Screening involves the use of selected tools or procedures during the intake visit or other appropriate time to obtain additional developmental information to determine next steps. Screening may or may not be completed for your child and family. Even if screening results indicate that your child appears to be age appropriate in all developmental areas, you

can still obtain evaluations and assessments to determine eligibility for services.

Key Points in Process from Referral to IFSP Development (continued)

Evaluation & Assessment -

Evaluation means the use of tools and procedures, by qualified professionals, to determine your child's initial and continuing eligibility for Infants and Toddlers Program, Part C of the IDEA services.

Assessment means the ongoing use of tools and procedures by qualified professionals to identify your child's unique strengths, needs, as well as the resources priorities and concerns of your family and the supports and services necessary to enhance your family's capacity to meet the developmental needs of your infant or toddler with special needs.

Individualized Family Service Plan (IFSP) Development—

Part C of the IDEA standards requires that each child's *Individualized Family Service Plan* (IFSP) must be developed within **45 days** of the Infants and Toddlers Program receipt of the referral. When delays are requested or initiated by a family for any reason (illness, hospitalization, vacation, work schedules, etc.), the initiation of services for your child and family may be delayed.

Introduction

Part C of the IDEA early intervention system in the Virgin Islands, known as the Infants and Toddlers Program (ITP), is designed to maximize family involvement and ensure parental consent in each step of the process from the determination of eligibility through service delivery. Safeguards or rights have been established to protect parents and children. Parents must be informed about these rights or safeguards so they can have a leadership role in the provision of services to their children. Participation in the USVI Infants and Toddlers Program (ITP) for infants and toddlers and your family is voluntary.

Under ITP in the Virgin Islands, as a parent, you have the following rights:

- The right to a timely multidisciplinary evaluation and assessment and the development of an Individualized Family Service Plan (IFSP) within forty-five (45) calendar days from receipt of the referral by the ITP;
- If eligible under ITP, you have the right to appropriate early intervention services for your child and family as addressed in the IFSP at no cost;

In the USVI, “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 your child and 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) and the needs of the family related to enhancing the child’s development.”

- The right to evaluation, assessment, IFSP development, service coordinator, and procedural safeguards at no cost.
- The right to refuse evaluations, assessments, and services;
- The right to be invited to and participate in all IFSP meetings;
- The right to receive written notice in a timely manner before a change is proposed or refused in the identification, evaluation, or placement 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;
- The right to maintenance of the confidentiality of personally identifiable information;
- The right to review and, if appropriate, correct early intervention

records

- The right to timely resolution of complaints by parents;
- The right of parents to use mediation to resolve disagreements and individual child complaints
- The right to an impartial due process hearing to resolve parent/provider disagreements; and
- The right to file an administrative complaint.

In addition to the general rights listed above, you are entitled to be notified of specific procedural safeguards under ITP. These rights include: Parental Consent; Prior Notice; Examination of Records; Confidentiality of Information; Individual Child Complaints; Administrative Complaints; and Surrogate Parents. Each of these safeguards is described below.

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.

PARENTAL CONSENT

Consent means that: (1) you have been fully informed of all information about the activity for which consent is sought, in your **native language**, or other mode of communication; (2) you understand and agree in writing to the carrying out of the activity for which your consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and (3) you understand that the granting of consent is voluntary on your part and may be revoked at any time.

Your written consent must be obtained before:

- (1) Evaluation(s) and assessment(s) of your child is conducted; and
- (2) Early intervention services are provided.

If you do not consent, the Infants and Toddlers Program shall make reasonable efforts to ensure that you:

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

If you do not give your consent for an initial evaluation, the Infants and Toddlers Program may: (1) provide you with relevant literature or other materials; (2) offer you peer counseling to help your understanding of the value of early intervention and to address your concerns about participation in the Infants and

Toddlers Program; (3) periodically renew contact with you, on an established time schedule, to see if you have changed your mind about participation in ITP; and (4) initiate an impartial due process hearing for resolving this parent/provider disagreement.

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

Finally, you have the right to written notice of, and written consent to, the exchange of any **personally identifiable information** collected, used, or maintained under the Infants and Toddlers Program. (See section on Confidentiality of Information).

Personally Identifiable Information

Includes: 1) the name of your child, your name, or the name of other family members; 2) the address of your child; 3) a personal identifier, such as your child's or your social security number; or 4) a list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

PRIOR NOTICE

Written prior notice must be given to you in a timely manner before the Infants and Toddlers Program proposes or refuses to initiate or change the identification, evaluation, or placement of your child or the provision of early intervention services to your child and your family. The notice must be sufficiently detailed to inform you about:

- (1) The action that is being proposed or refused;
- (2) The reasons for taking the action;
- (3) All procedural safeguards that are available under the ITP; and
- (4) The ITP complaint procedures, including a description of how to file a complaint and the timelines under these procedures. (See Resolution of Individual Child Complaints and Administrative Complaints).

The notice must be:

- (1) Written in language understandable to the general public and provided in your native language, unless it is clearly not feasible to do so.
- (2) If your native language or other mode of communication is not a written language, the Infants and Toddlers Program shall take steps to insure that:
 - (a) The notice is translated orally or by other means to you in your native language or other mode of communication;
 - (b) You understand the notice; and
 - (c) There is written evidence that the requirements of this section have been met
- (3) If you are deaf, 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).

EXAMINATION OF RECORDS

In accordance with the Confidentiality of Information procedures outlined in this booklet, you must be given the opportunity to inspect and review records related to screening, evaluations and assessments, eligibility determinations, development and implementation of IFSPs, individual complaints dealing with your child, and any other portion involving ITP records about your child and your family.

CONFIDENTIALITY OF INFORMATION

The following definitions are used in this section:

- 1) **Destruction** means physical destruction or removal of personal identifiers from information so that it is no longer personally identifiable;
- 2) **Early Intervention Records** means the records covered by Family Education Rights and Privacy Act (FERPA); and
- 3) **Participating agency** means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under this part.

The Infants and Toddlers Program gives you the opportunity to inspect and review any early intervention records relating to your child that are collected, maintained, or used by the ITP. The Infants and Toddlers Program complies with a request, without unnecessary delay, and before any meeting regarding an IFSP or hearing related to identification, evaluation, placement, or provision of appropriate early intervention services, in no case, more than 45 calendar days after the request has been made.

The right to inspect and review early intervention records includes:

- (1) The right to a response from the Infants and Toddlers Program to reasonable requests for explanations and interpretations of the early intervention record;
- (2) The right to request that the Infants and Toddlers Program provide copies of early intervention records containing the information if failure to provide these copies would effectively prevent you from exercising the right to inspect and review the early intervention records; and
- (3) The right to have someone who is representing you review and inspect the early intervention record.

The Infants and Toddlers Program may presume that you have the authority to inspect and review early intervention records relating to your child unless the Infants and Toddlers Program has been advised that you do not have the authority under applicable state law or court order governing such matters as guardianship, separation, and divorce.

The Infants and Toddlers Program shall keep a record of parties obtaining access to early intervention records collected, maintained, or used under the ITP (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is 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.

The Infants and Toddlers Program shall provide you, upon request, a list of the types and locations of early intervention records collected, maintained, or used by the agency.

The Infants and Toddlers Program will provide copies of early intervention records for parents at no cost. If, in the future, the Virgin Islands Infants and Toddlers Program chooses to charge for copies then this will not effectively prevent you from exercising your right to inspect and review those early intervention records. The ITP may not charge a fee to search for or to retrieve information under the ITP.

If you believe that information in early intervention records collected, maintained, or used under ITP is inaccurate or misleading, or violates the privacy or other rights of your child or family, you may request that the Infants and Toddlers Program amend the information.

- (1) The agency decides whether to amend the information in accordance with the request, within a reasonable period of time after receiving the request.
- (2) If the agency refuses to amend the information as you requested, you will be informed of the refusal and be advised of the right to a hearing.

The Infants and Toddlers Program, on request, provides an opportunity for a hearing to challenge information in early intervention records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

- (1) If, as a result of the hearing, it is determined that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the Infants and Toddlers Program will amend the information accordingly and will inform you in writing.
- (2) If, as a result of the hearing, it is determined that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, you will be informed of your right to place in the early intervention records of the child a statement commenting on the information and setting forth any reasons for disagreeing with the hearing decision.

Any explanation placed in the early intervention records of the child under this section must: (a) be maintained by the Infants and Toddlers Program 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 such agency; and (b) if the early intervention records of the child or the contested portion are disclosed by such agency to any party, the explanation must also be disclosed to that party.

A hearing held under this section must be conducted according to the procedures under the Family Education Rights & Privacy Act (FERPA), which is found in statute at 20 U.S. C. §1232g, and in regulations at 34 CFR Part 99. These procedures may also be found in the Infants and Toddlers Program Manual, Procedural Safeguards Section.

Parental consent must be obtained before personally identifiable information is (1) disclosed to anyone other than officials of participating agencies collecting or using information under the ITP, subject to the next paragraph of this section; or (2) used for any purpose other than meeting a requirement under the ITP.

Information from your child's early intervention record cannot be released to participating agencies without your consent unless the agency participating in ITP is authorized to do so under FERPA.

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

- Each Infants and Toddlers Program district office protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages;
- An official of each Infants and Toddlers Program district office is responsible for insuring the confidentiality of any personally identifiable information;
- All persons collecting or using personally identifiable information receive training or instruction regarding USVI Infants and Toddlers Program policies and procedures which comply with IDEA and FERPA;
- Each Infants and Toddlers Program district office 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;
- The Infants and Toddlers Program informs parents when personally identifiable information collected, maintained, or used under ITP is no longer needed to provide services to the child; and
- The information is destroyed, at the request of the parents. (Permanent early intervention records of the child's name, address, phone number, and dates of early intervention services shall be maintained.)

RESOLUTION OF INDIVIDUAL CHILD COMPLAINTS

The US Virgin Islands Infants and Toddlers Program has procedures in place to allow parties in disagreement to resolve disputes involving any matter, including matters that arise before filing an individual child complaint, related to the identification, evaluation, placement of the child, or provision of appropriate early intervention services. When a parent has a disagreement or has filed an individual child complaint, the ITP provides procedures to allow the parties involved in the dispute to resolve the matter through mediation.

If you disagree with the Infants and Toddlers Program on the (1) identification, (2) evaluation, (3) placement of your child, or (4) provision of appropriate early intervention services to your child or family, you have the right to a timely administrative resolution of your concerns through mediation and/or an impartial due process hearing.

As a parent(s), you may initiate an individual child complaint by notifying the Infants and Toddlers Program, in writing, of the request for an impartial due process hearing or you may request mediation to resolve your concern. If you choose to file a complaint, the complaint must include a statement identifying the specific point(s) of disagreement related to the identification, evaluation, placement of your child, or provision of appropriate early intervention services to your child or family. You must sign the complaint. For assistance in completing an individual child complaint, you can call the Infants and Toddlers program at 340-777-8804,

Mediation

The US Virgin Islands Infants and Toddlers Program provides an opportunity for parents and providers to resolve their disagreements in a non-adversarial, informal manner through mediation. The VI ITP ensures that the parties to a dispute have the opportunity to resolve any disagreement through mediation at any time, including disagreements that arise prior to filing a complaint related to the identification, evaluation, or placement of the child, or the provision of early intervention services.

Mediation may not be used to deny or delay parents' right to an impartial due process hearing under the ITP or any other rights under Part C of IDEA. Mediation is voluntary and freely agreed to by both parties. Any party in the disagreement may request mediation, however, parents and providers are not required to use it.

Mediation must be completed in a timely manner, within thirty (30) calendar days of the receipt by the USVI Infants and Toddlers program of a request for mediation. Upon receipt by the US VI Infants and Toddlers Program of a request for mediation, the USVI Infants and Toddlers Program Director will contact all parties relevant to the dispute to review the complaint, the mediation process and to schedule a time and location for the mediation. A qualified and impartial mediator who is trained in effective mediation techniques will meet with both parties to help them find a solution to the complaint in an informal, non-adversarial atmosphere. Please notify the VI Infants and Toddlers program if you wish mediation to resolve your disagreement.

The Department of Health Infants and Toddlers Program maintains a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services, including early intervention.

A mediation agreement must be to the satisfaction of all parties to the dispute and must not conflict with state or federal law or policy of the VI Infants and Toddlers Program. All parties must sign the agreement and are given a copy of the written agreement at the end of the mediation. Discussions that occur during the mediation process must be held confidential and may not be used as evidence in any subsequent impartial due process hearings or civil proceedings, and the parties to the mediation process may be required to sign a confidentiality pledge prior to the beginning of the process. If resolution is reached during mediation, the written agreement will be legally binding and enforceable in a state court of competent jurisdiction or in a U.S. District court.

The Infants and Toddlers Program is responsible for any costs that are associated with the mediation process. There is no cost to the parent(s).

You may simultaneously file a request for mediation and for an impartial due process hearing described in the next section. If an agreement is reached in mediation, the hearing is canceled.

Impartial Due Process Hearing

An impartial due process hearing is a formal procedure to ensure the timely resolution of an individual child complaint, and is conducted by an impartial hearing officer. Families seeking an impartial due process hearing must submit their request directly to the VI Infants and Toddlers Program. Your individual child complaint for due process hearing must include the following:

1. The child's name, home address and early intervention program (provider) serving the child.
2. A statement identifying the points of disagreement related to the

- identification, evaluation, placement of your child, or provision of appropriate early intervention services to you or your family.
3. A proposed resolution (what you think will solve the disagreement).
 4. The signature of the person submitting the complaint, and the date of the complaint.

For assistance in filing a complaint, please call the USVI Infants and Toddlers Program at 340-777-8804. Upon filing an individual child complaint, you will be offered mediation to resolve the complaint. You may refuse or accept mediation, however, mediation will not delay due process procedures.

A Hearing Officer will be assigned by the Infants and Toddlers Program. A Hearing Officer is an impartial person appointed to conduct the due process hearing. The hearing officer must:

- (1) Have knowledge about the provisions of Part C of the IDEA and Infants and Toddlers Program and the needs of, and services available for, eligible children and their families; and
- (2) Perform the following duties:
 - Listen to the presentation of relevant views about the complaint/disagreement;
 - Examine all information related to the issues;
 - Seek to reach a timely resolution of the disagreement; and
 - Provide a record of the proceedings, including a written decision.

Hearing Officers used in an **impartial due process hearing** and mediators used in mediation process must be “impartial”. **Impartial** means that the person appointed to serve as the hearing officer (or mediator) of the impartial due process proceeding.

A hearing officer conducting a hearing shall at a minimum: (1) Not be an employee of the State educational agency or the local educational agency involved in the education or care of the child or a person having a personal or professional interest that conflicts with the person's objectivity in the hearing; (2) possess knowledge of , and the ability to understand, the provisions of this title, Federal and State regulations pertaining to this title, and legal interpretations of this title by Federal and State courts; standard legal practice; and possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice (3) possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.

Under the Infants and Toddlers Program (ITP), you are given the rights listed below in any impartial due process hearing carried out under this section.

- 1) To be accompanied by and advised by a lawyer (at your expense) and individuals with special knowledge or training about early intervention

- services for children under the ITP;
- 2) To present evidence and confront, cross examine, and to compel the attendance of witnesses;
 - 3) To prohibit the introduction of any evidence at the proceedings that has not been disclosed to you at least five (5) calendar days before the proceeding;
 - 4) To obtain a written or electronic verbatim (word by word) transcription of the proceeding; and
 - 5) To obtain written findings of fact and decisions.

Any proceedings for implementing the impartial due process hearing must be carried out at a time and place that is reasonably convenient to you.

No later than 30 calendar days after receipt, by the Infants and Toddlers Program, of your disagreement (complaint), the impartial due process hearing required under this section must be completed and a written decision must be mailed to each of the parties. Any party not satisfied with the findings and decision of the impartial due process hearing has the right to bring civil action in state or federal court. A decision made at the impartial due process hearing shall be final, except that any party may bring a civil action in state or federal court.

A decision made by the hearing officer at the due process hearing shall be final, and:

- 1) shall be made available to the public consistent with the requirements of IDEA relating to the confidentiality of data, information, and records; and
- 2) shall be transmitted to the Interagency Coordinating Council.

During the time period pending of any proceeding involving a parent/provider disagreement (complaint), unless the Infants and Toddlers Program and you otherwise agree, your child and family will continue to receive the appropriate early intervention services currently being provided. If the disagreement (complaint) involves an application for initial services, your child and family must receive those services that are not in dispute.

Administrative Complaints

In addition to the Individual Child Complaints process (discussed in the previous section) an individual or organization, including an individual or organization from another state, may file a written signed complaint that any public agency or private service provider participating in the ITP is violating a requirement of the Part C program.

The complaint must include:

- (1) A statement that a requirement of Part C has been violated by the Infants and Toddlers Program; and
- (2) The facts on which the complaint is based.

Complaints must be mailed to the Infants and Toddlers Program Director at the Infants and Toddlers Program Department of Health, Estate Contant #78-1, 2, 3, Elainecco Complex St. Thomas, USVI 00802. The complaint must be filed with the Infants and Toddlers Program within one (1) year of the alleged violation.

Under certain circumstances, the period for filing the complaint may be longer:

- (1) If the violation is still occurring for that child or other children;
- (2) If the person filing the complaint is requesting reimbursement or corrective action for a violation that occurred within three years of filing the complaint.

Once the Infants and Toddlers Program has received the complaint, the ITP has sixty 60 calendar days (unless exceptional circumstances exist) to investigate the complaint and issue a written decision that contains the facts and conclusions, and 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. If the final decision indicates that appropriate services were/are not being provided, the Infants and Toddlers Program must address how to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action. The US VI Infants and Toddlers Program must also address appropriate future provisions of services for all infants and toddlers with disabilities and their families. For more information about these complaint procedures, contact the Infants and Toddlers Program Director at (340) 777-8804.

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 State 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 a part of the due process action must be resolved within the 60-calendar-day timeline using the complaint procedures described in this document.

If an issue is raised in an administrative complaint that has been previously decided in a due process hearing involving the same parties -

- (i) The hearing decision is binding; and
- (ii) The Infants and Toddlers Program must inform the complainant to that effect.

A complaint alleging a public agency's or private service provider's

failure to implement a due process decision must be resolved by the Infants and Toddlers Program.

Surrogate Parents

The rights of children eligible under the ITP are protected even if:

- (1) No parent can be identified;
- (2) The Infants and Toddlers Program, after reasonable efforts, cannot discover the whereabouts of a parent; or
- (3) The child is a ward of the state under the laws of USVI.

An individual is assigned to act as a “surrogate” for the parent according to the procedures that follow. The procedures include a method for determining whether a child needs a surrogate parent and assigning a surrogate to the child. The following criteria are employed when selecting surrogates:

- (1) Surrogate parents are selected in the manner authorized by state law.
- (2) A person selected as a surrogate parent:
 - (a) Has no interest that conflicts with the interest of the child he or she represents;
 - (b) Has knowledge and skills that ensure adequate representation of the child;
 - (c) Is not an employee of any state agency or a person or an employee of a person providing early intervention services to the child or to any family member of the child. A person who otherwise qualifies to be a surrogate parent under this section is not an employee solely because he or she is paid by a public agency to serve as a surrogate parent; and
 - (d) Resides in the same general geographic area as the child, whenever possible.

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

- (1) The evaluation and assessment of the child;
- (2) Development and implementation of the child’s IFSPs, including annual evaluations and periodic reviews;
- (3) The ongoing provision of early intervention services to the child; and
- (4) Any other rights established under the ITP.

GLOSSARY

Assessment: The ongoing procedures used by appropriate, qualified personnel throughout the period of a child's eligibility under ITP to identify:

- (a) The child's unique strengths and needs and the services appropriate to meet those needs;
- (b) 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; and
- (c) The nature and extent of early intervention services that are needed by the child and the child's family to meet the needs in (a) and (b) above.

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

Evaluation: The procedures used by appropriate, qualified personnel to determine a child's initial and continuing eligibility under ITP. The procedures used must be consistent with the definition of "infants and toddlers with disabilities" in 34 CFR 303.16, including determining the status of the child in each of the developmental areas.

Family Assessment: Identification of the family's resources, priorities, and concerns, and the identification of 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 services to eligible children/ families that:

- (a) Is developed jointly by the family and appropriate, qualified personnel providing early intervention services;
- (b) 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 determined by the family and as required in 34 CFR 303.322;
- (c) Includes developmental outcomes, strategies, and activities; and
- (d) 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: Mediation is a process that helps parents, the ITP, and providers resolve a disagreement in an informal, non-adversarial atmosphere. Mediation is voluntary and both parties must freely agree to participate. It is quicker than going to a hearing or court. Both parties participate in putting an agreement together and must approve the agreement. Mediation may not be used to deny or

delay your right to an impartial hearing.

Multidisciplinary: The involvement of two or more disciplines or professions in the provision of integrated and coordinated services, including evaluation and assessment activities in § 303.322 and development of the IFSP in § 303.342.

Natural Environments: Settings which are natural or normal for children who are your child's age and who do not have a disability.

Parent: "Parent" means a natural, adoptive parent(s), or foster parent of a child, a guardian (but not the State if the child is a ward of the State) a person acting in the place of a natural or adoptive parent, such as a grandparent, stepparent or other relative with whom the child lives, or a person who is legally responsible for the child's welfare, or an individual assigned to be a surrogate parent, in accordance § 303.406.

State Lead Agency: Refers to the Department of Health, as the appointed lead agency for Part C of IDEA in the United States Virgin Islands.

Local Lead Agency: Refers to the Infants and Toddlers Program.

Ward of the State: The term 'ward of the State' means a child who, as determined by the State where the child resides, is a foster child, is a ward of the State, or is in the custody of a public child welfare agency. Exception the term does not include a foster child who has a foster parent who meets the definition of a parent.

Note: All citations contained in this glossary are references to 34 Code of Federal Regulations (CFR) Part 303.

Local Infants and Toddlers Program Contact Information

The Service Coordinator on St. Croix may be contacted at:

Phone number is: (340) 773-1311 x 3124

**Address: Infants and Toddlers Program
Charles Harwood Complex 3500
Estate Richmond
St. Croix, USVI 00820**

Fax number: (340) 773-9376

The Service Coordinator on St. Thomas may be contacted at:

Her phone number: (340) 777-8804 x 2629

**Address: Infants and Toddlers Program
Estate Contant #78-1, 2, 3
Elaineco Complex
St. Thomas, USVI 00802**

Fax number: (340) 774-2820

Notes: