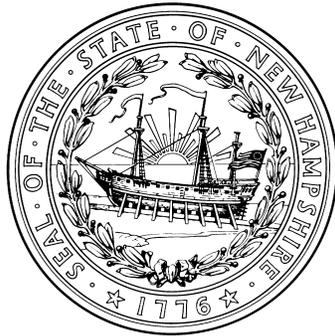


# **KNOW YOUR RIGHTS!**

## **Notice Of Infant/Toddler And Family Rights Under New Hampshire's Family Centered Early Supports And Services Program**



New Hampshire Department of Health and Human Services  
Bureau of Developmental Services

Approved October 2009

## Foreword

The Notice of Infant/Toddler and Family Rights under the New Hampshire Department of Health and Human Services, Bureau of Developmental Services, 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 that includes provisions for early supports and services for eligible children starting at birth. To support the implementation of these federal requirements, the New Hampshire Bureau of Developmental Services has developed policies and procedures that 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 community providers to help meet the developmental needs of your child.

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Department of Health and Human Services  
Bureau of Developmental Services  
Family Centered Early Supports and Services  
105 Pleasant Street  
Concord, NH 03301

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## **From Referral to IFSP Development, Key Points in Process**

### **Referral -**

Your child can be referred to the Family Centered Early Supports and Services Program (ESS) 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 ESS program in which your child's Individualized Family Support Plan (IFSP) must be developed if your child is eligible for Part C services.

### **Intake -**

If you choose to continue with the Early Supports and Services' intake process, the *intake* meeting will be your first face-to-face contact with the ESS 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's development. You may also be asked for your written consent for the ESS 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 ESS program proposes or refuses to initiate or change the identification, evaluation, or the provision of appropriate early supports and services for 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 ESS program, and before his/her individualized family support 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 supports and 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.

### **Evaluation & Assessments -**

*Evaluation* means the use of tools and procedures, by qualified professionals, to determine your child's initial and continuing eligibility for the Family Centered Early Supports and Services 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 Support Plan (IFSP) Development—**

Part C of the IDEA standards requires that each child's *Individualized Family Support Plan* (IFSP) must be developed within **45 days** of the ESS 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.

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## Introduction

Part C of the IDEA early supports and services system in New Hampshire, known as the Family Centered Early Supports and Services Program (commonly abbreviated as ESS), 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 for their children.

Participation in New Hampshire's Family Centered Early Supports and Services program is voluntary.

Under the Family Centered Early Supports and Services program (ESS) in New Hampshire, as a parent, you have the following rights:

- The right to a timely multidisciplinary evaluation and assessment and the development of an Individualized Family Support Plan (IFSP) within forty-five (45) calendar days from receipt of the referral by the ESS program;
- The opportunity to receive evaluation, assessment, IFSP development, service coordination, and procedural safeguards at public expense;
- If eligible under Part C, the opportunity to receive ESS for your child and family as addressed in an IFSP.
- Early Supports and Services are available at no cost to families, however if authorized by the parent, private and/or public insurance may be billed.

*In New Hampshire, "appropriate early supports and services" are determined through the IFSP process. The IFSP must contain a statement of the specific early supports and services necessary to meet the unique needs of your child and family to achieve the outcomes identified in the IFSP. Federal regulations define early supports and 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 refuse evaluations, assessment, 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 in the provision of services for 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 supports and services 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 the ESS program. 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.

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## 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's development is conducted; and
- (2) Early supports and services are provided.

If you do not consent, the ESS 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 ESS 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 supports and services and to address your concerns about participation in the ESS program; (3) periodically renew contact with you, on an established time schedule, to see if you have changed your mind about participation in the ESS program; 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 ESS program, you may determine whether you, your child, or other family members will accept or refuse any early supports and services service(s) under this program. You may also refuse such a service after first accepting it without jeopardizing other early supports and services under the ESS program.

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 ESS program. (See section on Confidentiality of Information).

**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.

#### **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.

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## **PRIOR NOTICE**

Written prior notice must be given to you in a timely manner before the ESS program proposes or refuses to initiate or change the identification, evaluation, or the provision of early supports and services for 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 ESS program; and
- (4) The ESS program 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 ESS 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 ESS records about your child and your family.

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## CONFIDENTIALITY OF INFORMATION

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

The right to inspect and review **early supports and services records** includes:

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

The ESS program may presume that you have the authority to inspect and review early supports and services records relating to your child unless the ESS 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 ESS program shall keep a record of parties obtaining access to early supports and services records collected, maintained, or used under the ESS program (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 supports and services record.

If any early supports and services 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 ESS program shall provide you, upon request, a list of the types and locations of early supports and services records collected, maintained, or used by the agency.

The ESS program may charge a fee for copies of records that are made for parents under Part C if the fee does not effectively prevent you from exercising your right to inspect and review those early supports and services records. The ESS program may not charge a fee to search for or to retrieve information under the ESS program.

If you believe that information in early supports and services records collected, maintained, or used under the ESS program is inaccurate or misleading, or violates the privacy or other rights of your child or family, you may request that the ESS 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 ESS program, on request, provides an opportunity for a hearing to challenge information in early supports and services 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 ESS 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 supports and services 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 supports and services records of the child under this section must: (a) be maintained by the ESS program as part of the early supports and services records of the child, as long as the early supports and services record or contested portion (that part of the record with which you disagree) is maintained by such agency; and (b) if the early supports and services 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.

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 ESS program, subject to the

next paragraph of this section; or (2) used for any purpose other than meeting a requirement under the ESS program.

Information from your child's early supports and services record cannot be released to participating agencies without your consent unless the agency participating in the ESS program is authorized to do so under FERPA.

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

- Each ESS program protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages;
- An official of each ESS program is responsible for insuring the confidentiality of any personally identifiable information;
- All persons collecting or using personally identifiable information receive training or instruction regarding the ESS program policies and procedures which comply with IDEA and FERPA;
- Each ESS program 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 ESS program informs parents when personally identifiable information collected, maintained, or used under the ESS program is no longer needed to provide services to the child; and
- The information **may be** destroyed, at the request of the parents **except for records of early supports and services pursuant to He-M502.03 (g), which requires that each service provider agency shall retain individual records for a period of 6 years following the termination of services to the individual. Thereafter upon the parents request the ESS program will maintain only permanent early supports and services records.** (Permanent early supports and services records **include** the child's name, address, phone number, and **the** dates of early supports and services.)

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| <ol style="list-style-type: none"><li>1) <b>Destroyed/Destruction</b> means physical destruction or removal of personal identifiers from information so that it is no longer personally identifiable;</li><li>2) <b>Early supports and services Records</b> means the records covered by Family Education Rights and Privacy Act (FERPA); and</li><li>3) <b>Participating agency</b> means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under this part.</li></ol> |
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## **RESOLUTION OF INDIVIDUAL CHILD COMPLAINTS**

New Hampshire's Family Centered Early Supports and Services program (ESS) 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, or provision of appropriate early supports and services. When a parent has a disagreement or has filed an individual child complaint, the ESS program provides procedures to allow the parties involved in the dispute to resolve the matter through mediation.

If you disagree with the ESS program on the (1) identification, (2) evaluation, or (3) provision of appropriate early supports and services for 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 ESS 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, or provision of appropriate early supports and services for your child or family. You must sign the complaint. For assistance in completing an individual child complaint, you can call the NH Bureau of Developmental Services Family Centered Early Supports and Services program at 603-271-5034.

### **Mediation**

New Hampshire's Family Centered Early Supports and Services (ESS) program provides an opportunity for parents and providers to resolve their disagreements in a non-adversarial, informal manner through mediation. The NH ESS program 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 the provision of early supports and services.

Mediation may not be used to deny or delay parents' right to an impartial due process hearing under the ESS program 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 NH Bureau of Developmental Services of a request for

mediation. Upon receipt by the NH Bureau of Developmental Services of a request for mediation, the NH Bureau of Developmental Services Family Centered Early Supports and Services 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. The mediation process must be scheduled in a timely manner and must be held in a location that is convenient to all parties. 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 NH Bureau of Developmental Services, Family Centered Early Supports and Services program if you wish mediation to resolve your disagreement.

The New Hampshire Bureau of Developmental Services Family Centered Early Supports and Services 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 NH Family Centered Early Supports and Services 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. A statement about the confidentiality of discussions will be included in the written mediation agreement. 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 NH ESS 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 NH Bureau of Developmental Services Family Centered Early Supports and Services program. Your individual child complaint for due process hearing must include the following:

1. The child's name, home address and early supports and services program (provider) serving the child.
2. A statement identifying the points of disagreement related to the identification, evaluation, or provision of appropriate early supports and 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 New Hampshire Bureau of Developmental Services, Family Centered Early Supports and Services Director at 603-271-5034. 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 Bureau of Developmental Services Family Centered Early Supports and Services 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 Early Supports and Services 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. The same person may not be the hearing officer and the mediator involving the same dispute.

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; 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 Family Centered Early Supports and Services program (ESS), 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 supports and services for children under the ESS program;
2. To present evidence and confront, cross examine, and to compel the attendance of witness;
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 NH Bureau of Developmental Services, Family Centered Early Supports and Services 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 ESS program and you otherwise agree, your child and family will continue to receive the appropriate early supports and 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 ESS program 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 ESS program; and
- (2) The facts on which the complaint is based.

Complaints must be mailed to:

NH Bureau of Developmental Services  
Family Centered Early Supports Director  
105 Pleasant Street  
Concord, NH 03301

The complaint must be filed with NH Bureau of Developmental Services, Family Centered Early Supports and Services 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 Bureau of Developmental Services, Family Centered Early Supports and Services (ESS) has received the complaint, the ESS program has sixty 60 calendar days (unless program exceptional circumstances exist with respect to a particular complaint) to investigate the complaint and issue a written decision that addresses each allegation in the complaint, contains the facts and conclusions, and the reasons for the final decision. An independent on-site investigation will be conducted if the Bureau determines that such an investigation is necessary. The individual or organization filing the complaint has the opportunity to submit additional information, either orally or in writing, about the complaint. All relevant information will be reviewed and an independent determination as to whether the public agency is violating a requirement of Part C of IDEA will be made. If needed in order to effectively implement the final decision, technical assistance activities, negotiations, and corrective actions to achieve compliance will be provided. If the final decision indicates that

appropriate services were/are not being provided, the NH Bureau of Developmental Services must address how to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action. The NH Bureau of Developmental Services ESS 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 Family Centered Early Supports and Services Director at (603) 271-5034.

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 Family Centered Early Supports and Services 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 NH Bureau of Developmental Services, Family Centered Early Supports and Services program.

## **Surrogate Parents**

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

- (1) No parent can be identified;
- (2) The ESS 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 New Hampshire.

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 supports and services for the child or for 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 supports and services for the child; and
- (4) Any other rights established under the ESS program.

## GLOSSARY

**Assessment:** The ongoing procedures used by appropriate, qualified personnel throughout the period of a child's eligibility under the ESS program 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 supports and 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 the ESS program. 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 Support Plan (IFSP):** A written plan for providing early supports and services for eligible children/ families that:

- (a) Is developed jointly by the family and appropriate, qualified personnel providing early supports and 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 Bureau of Developmental Services, Family Centered Early Supports and Services program, and the ESS program providers resolve disagreements 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 professionals 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 that are natural 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 and Human Services, Bureau of Developmental Services as the appointed lead agency for Part C of IDEA in the state of New Hampshire.

**Local Lead Agency:** Refers to the Family Centered Early Supports and Services 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 Area Agency ESS Contact Information:

### **Region 1**

Northern Human Services  
87 Washington Street  
Conway, NH 03818  
447-3347/FAX: 447-8893  
[www.northernhs.org](http://www.northernhs.org)

### **Region 2**

PathWays of the River Valley  
654 Main Street  
Claremont, NH 03743  
542-8706/FAX: 542-0421

### **Region 3**

Lakes Region Community  
Services  
PO Box 509  
Laconia, NH 03247-0509  
524-8811/FAX: 524-0288  
[www.lrcsc.org](http://www.lrcsc.org)

### **Region 4**

Community Bridges  
70 Pembroke Road  
Concord, NH 03301  
225-4153  
FAX: 226-0376  
1 800 499-4153  
[www.communitybridgesnh.org](http://www.communitybridgesnh.org)

### **Region 5**

Monadnock Developmental Services, Inc.  
121 Railroad Street  
Keene, NH 03431  
352-1304/FAX 352-1637  
[www.mds-nh.org](http://www.mds-nh.org)

### **Region 6**

Gateways Community Services  
144 Canal Street  
Nashua, NH 03064  
459-2775/FAX: 889-5460  
[www.gatewayscs.org](http://www.gatewayscs.org)

### **Region 7**

Moore Center Services, Inc.  
195 McGregor Street Unit 400  
Manchester, NH 03102  
206-2700/FAX: 624-7597  
[www.moorecenter.org](http://www.moorecenter.org)

### **Region 8**

One Sky Community Services  
755 Banfield Road Suite 3  
Portsmouth, NH 03801  
436-6111/FAX: 436-4622  
1 800 660-4103  
[www.oneskyservices.org](http://www.oneskyservices.org)

### **Region 9**

Community Partners  
DS of Strafford County Inc  
Forum Court  
113 Crosby Road, Ste 1  
Dover, NH 03820-4375  
516-9300/FAX: 743-3244  
[www.dssc9.org](http://www.dssc9.org)

### **Region 10**

Community Support Services, Inc.  
8 Commerce Drive  
Atkinson, NH 03811  
893-1299/FAX 893-5401  
[www.region10nh.com](http://www.region10nh.com)

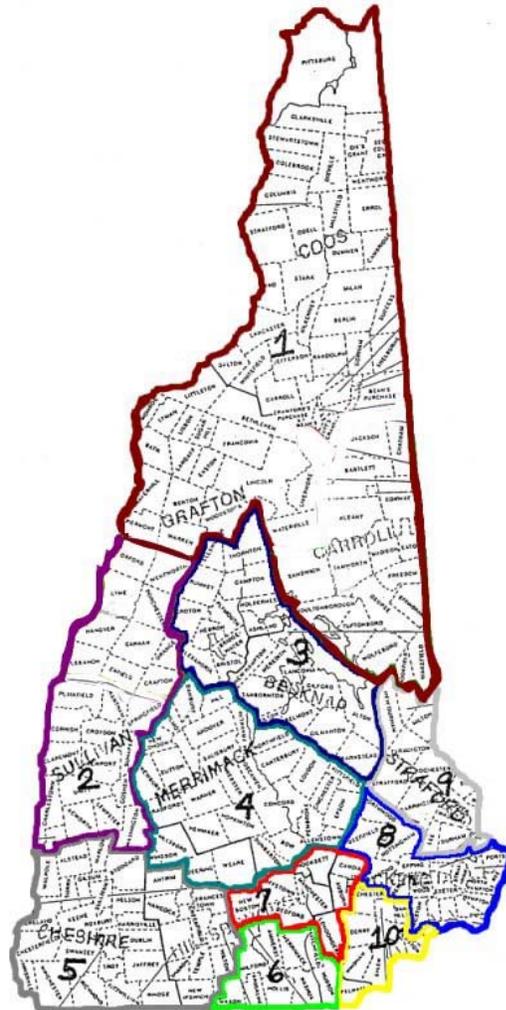


# New Hampshire's Developmental Services System Area Agencies

There are 10 Area Agencies that are divided into geographical regions throughout New Hampshire that contract with the NH Bureau of Developmental Services to provide services to individuals with developmental disabilities and their families. Each Area Agency is the State contract designee to provide services (including Early Supports and Services) in their respective region and combined they serve New Hampshire's developmental disability, and acquired brain injury communities totaling in excess of 6,000 individuals.

This map shows how the ten area agencies are distributed across the state.

	<a href="#"><u>Region 1 - Northern Human Services</u></a>
	<a href="#"><u>Region 2 - PathWays of the River Valley</u></a>
	<a href="#"><u>Region 3 - Lakes Region Community Services</u></a>
	<a href="#"><u>Region 4 - Community Bridges</u></a>
	<a href="#"><u>Region 5 - Monadnock Developmental Services, Inc.</u></a>
	<a href="#"><u>Region 6 - Gateways Community Services</u></a> (Formerly known as Area Agency of Greater Nashua, Inc.)
	<a href="#"><u>Region 7 - Moore Center Services, Inc.</u></a>
	<a href="#"><u>Region 8 - Region VIII One Sky Community Services, Inc.</u></a> (formerly known as Community Developmental Services)
	<a href="#"><u>Region 9 - Community Partners</u></a>
	<a href="#"><u>Region 10 - Region 10 Community Support Services, Inc.</u></a>



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**Notes:**

Copies of this handbook may be obtained from providers of family-centered early supports and services, and other related organizations such as the Family Resource Connection (1-800-298-4321, voice and TDD), Parent Information Center, the Disability Rights Center, and the Developmental Disabilities Council. Any interested party may request a “Know Your Rights” handbook. It may also be obtained by calling or writing to: Bureau of Developmental Services, NH Department of Health and Human Services, 105 Pleasant Street, Concord, New Hampshire 03301, 603-271-5060, or 1-800-852-3345 (voice and TDD) ext. 5060.