

**3701-8-10.2 Procedural safeguards to ensure parent's rights in HMG early intervention.**

This rule applies to help me grow (HMG) early intervention service coordination contractors, referenced throughout this rule as contractors.

For the purposes of this rule, parent means a birth or adoptive parent of a child; a guardian generally authorized to act as the child's parent, or authorized to make early intervention, education, health or developmental decisions for the child (but not the State if the child is a ward of the state); an individual acting in the place of a birth or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives; a person who is legally responsible for the child's welfare; or a surrogate parent who has been assigned by the department.

- (A) Contractors shall ensure the following procedural safeguards in addition to the safeguards listed in rule 3701-8-10.1 of the Administrative Code, for children and parents participating in the HMG early intervention program:
  - (1) Contractor shall provide written notification of any meeting to develop an initial IFSP and to annually evaluate the child's IFSP; and
    - (a) For initial IFSP development, the notification shall be provided in person, electronic, or post-mailed and shall be provided before the planned meeting date on form HEA 8039 (effective July 1, 2012); and
    - (b) For annual IFSP meetings, the notification shall be provided in person, electronic, or post-mailed and shall be provided at least ten calendar days before the planned meeting date on form HEA 8039 (effective July 1, 2012); and
  - (2) Contractor shall obtain written signature from the parent on the IFSP when any early intervention service is added to the child's IFSP.
- (B) Early intervention service providers shall ensure that prior written notice is provided in person, electronic or post mailed letter to the parent and the child's service coordinator on form HEA 8022 (effective July 1, 2012) whenever an early intervention service is proposed, refused or changed outside of an IFSP review at least ten calendar days before the proposed date of the action. This notification shall be in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so, and shall include:
  - (1) The action being taken;
  - (2) The reason for the action;
  - (3) The information upon which the action is founded;
  - (4) The rights and procedures available to the parent if the parent disagrees with the proposed action.
- (C) Contractors shall provide printed materials and verbal communication informing every parent how to file a complaint about early intervention services, in accordance with the following:
  - (1) Upon receiving a signed, written complaint from a parent, or someone acting on

behalf of the parent, the department shall:

- (a) Contact the parent and explain the options available for dispute resolution;
  - (b) Begin the time line for response to the parent's complaint; and
  - (c) Request the child's record from the child's service coordinator and, as necessary, the child's service providers.
- (2) Upon receiving the parent's selected option for the dispute resolution, the department shall, at no cost to the parent:
- (a) Coordinate an opportunity for mediation between the disputed groups by a qualified and impartial mediator within thirty calendar days of the request for mediation; or
  - (b) Investigate the complaint and provide a written decision about the allegations inclusive of findings and reasons for the decision within sixty calendar days of the request for investigation; or
  - (c) Coordinate a due process administrative hearing in which the disputed groups will have the opportunity to present their complaints to a qualified and impartial third party who will provide a written decision on the complaint allegations within thirty days of the request for hearing.
- (3) Contractors shall participate in dispute resolution, at the request of the department, by cooperating in investigations, participating in mediations, and participating in due process hearings.
- (4) Contractors shall ensure that during the resolution of the dispute, the child shall continue to receive early intervention services which were being provided at the time of the complaint, unless the service provider and the child's parent agree to an alternative.
- (D) For any child whose parent cannot be identified, the early intervention service coordination contractor shall request the department's assignment of a surrogate parent. Using form HEA 8040 (effective July 1, 2012), the early intervention service coordination contractor shall identify the individual to serve as surrogate and submit to the department. Upon assignment, the surrogate parent assumes the right to consent for the child to be screened, evaluated, assessed and served in early intervention.

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CERTIFIED ELECTRONICALLY

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Certification

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Date

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