



Technical Assistance Bulletin

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Division of Early Intervention and Special Education Services

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The Early Intervention Record: Transfer and Release

The purpose of this Technical Assistance Bulletin is to set out procedures for the transfer and release of a child and families early intervention record (EIR).

An **EIR** as defined in Maryland regulation COMAR 13A.13.01.03B (14) and (49) is:

Any personally identifiable information about a child or the child's family generated by the early intervention system, and which pertains to evaluation and assessment, development of an individualized family service plan, or delivery of early intervention services.

Personally identifiable information includes: The name of the child; the child's parent; or other family member; the address of the child; a personal identifier such as the child's Social Security number or child identification number; and a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

The EIR includes information about each child and family participating in the Maryland Infants and Toddlers Program (MITP) starting with referral. The EIR includes written reports of evaluations and assessments, the written eligibility determination, the individualized family service plan (IFSP), exceptional family circumstances, and attempts to obtain parental consent.

When a child and their family move within Maryland or move out of or into the State, the EIR must be sent to the new local infant and toddler's program (LITP). When a child and family move within Maryland, transferring the EIR is a "**transfer**." When a child and family move out of or into Maryland transferring the EIR is referred to as a "**release**."

PROCEDURAL SAFEGUARDS

The early intervention system provides families with procedural safeguards related to their child's EIR. See 34 CFR 303.400 through 303.421 and COMAR 13A.13.01.10 through .14.

In order to promote seamless, coordinated early intervention services, procedural safeguards should be followed and the family should be given the procedural safeguards notice when a child and family moves from one local jurisdiction to another or moves into or out of Maryland.

TRANSFER OF THE EARLY INTERVENTION RECORD

The following is a detailed description of the steps to be followed when transferring an Early Intervention Record from one jurisdiction (sending) to another jurisdiction (receiving) within Maryland. Please refer to *Appendix A: EIR/IFSP Transfer Job Aid* for additional details to support the transfer of the record.

Step 1:

Family Notifies Local Infants and Toddlers (LITP) Program of Intent to Relocate

Each LITP is part of the State's early intervention system; thus, consent is not required to transfer the early intervention record to another LITP in the State of Maryland (34 CFR §303.414(b)). Although consent is not required when the EIR is transferred, obtaining consent can support families in understanding the transfer process. Upon receipt of a request by the family for transfer of the EIR, the local service coordinator reviews with the family the current EIR to ensure that all of the required documents are in the folder, the information is readable, and the family is aware of what is to be transferred. The service coordinator documents this activity in the service coordination notes. If there is a disagreement regarding the existing record and what is to be transferred, a parent should be informed of their procedural safeguards regarding amending the EIR.

Step 2:

Staff from the Sending LITP Communicates and Collaborates with the Receiving LITP

The sending jurisdiction's designated staff member contacts the receiving LITP's designated staff member to discuss a transfer plan. After verification of the receiving LITP's address and designated contact person, the sending LITP's designated staff member prepares the original EIR to be sent to the receiving LITP. The sending jurisdiction's designated staff member documents the discussion about the transfer plan in the early intervention record.

Step 3:

Final Documentation and Time Frame for Transfer of the Early Intervention Record

The parent confirms the last date the child and family are receiving services in that jurisdiction, as well their new address (if known), and the service coordinator documents this information within the service coordination notes. If the child has been in the sending jurisdiction for at least six months, an "Interim/Exit COS" needs to be completed. Refer to *Appendix A: EIR/IFSP Transfer Job Aid* for further guidance.

Within **five (5) working days** of the last day services were received, the sending jurisdiction's designated staff member forwards the original EIR folder to the receiving LITP contact person by mail (return receipt requested). The sending jurisdiction retains a hard copy or scanned copy of the EIR for a period of six (6) years.

Step 4:

Transferring the Electronic Early Intervention Record

To complete the electronic transfer, navigate to the “*Child Status*” Page in the child’s early intervention record within the Maryland Online IFSP database and complete the transfer by: changing the case status to inactive and selecting “Moved to another jurisdiction” in the Child Status field; entering the inactive date in the inactive date field; changing the current jurisdiction; and clicking “Save.” The electronic early intervention record has now been moved to the receiving jurisdiction.

Note: Once “Save” is clicked, the record is no longer able to be edited. For additional details on any of these steps, please refer to *Appendix A: EIR/IFSP Transfer Job Aid*.

In some cases, it is the parent who informs the receiving LITP that the family has moved from another Maryland jurisdiction in which the child and family were receiving early intervention services. The designated staff member from the new jurisdiction contacts the designated staff member from the original (sending) jurisdiction to indicate that the family has relocated and to talk about a transfer plan. This includes a request for the original (sending) jurisdiction to transfer the Early Intervention Record. The designated staff member from the original jurisdiction should complete the transfer request within **five (5) working days**.

Redetermination of eligibility is not required when a child moves from one local jurisdiction to another in Maryland; however, redetermination may be necessary if there has been a gap in services.

RELEASE OF THE EARLY INTERVENTION RECORD

Parental consent is required for release of early intervention records outside of the State system. The **out-of-state early intervention program** contact person should obtain a signed parental consent form for release of the EIR. This consent form should be mailed to the local jurisdiction from the out-of-state early intervention program from which the record is being requested.

Within **five (5) working days** of receipt of the parental consent form for release of the record, a **duplicate record** should be forwarded by mail (return receipt requested) to the out-of-state early intervention program. The sending Maryland local jurisdiction should maintain the original EIR for a period of **six (6) years**.

When a Maryland LITP is requesting an EIR from another state, the local designated staff member should obtain a signed parental consent form for release of the EIR. The consent form should be mailed to the out-of-state early intervention program to request the release of the EIR. If the EIR is not received within ten (10) working days, the designated staff member should follow-up with the out-of-state early intervention program.

When a child and family move out of or into Maryland from another state, it is necessary to determine eligibility for Part C early intervention services because states have differing eligibility criteria.

MAINTENANCE OF INACTIVE EIR INFORMATION AFTER TRANSFER OR RELEASE OF THE EIR

The sending local jurisdiction of the early intervention record should maintain a hard copy and an inactive record in the data system for a period of **six (6) years**. However, a permanent record of a child's name, date of birth, parent contact information (including address and phone number), names of service coordinator(s) and EIS provider(s), and exit data (including year and age upon exit, and any programs entered into upon exiting) may be maintained without time limitation. Pursuant to 34 C.F.R. §303.416, personally identifiable information must be destroyed at the request of the parents.

Please note that federal and State statutes and regulations govern the collection, maintenance, distribution, and destruction of early intervention records are subject to the requirements of many different statutes. At the federal level the Family Educational Rights and Privacy Regulations (FERPA), the Federal Educational Department General Regulations (EDGAR), the Individuals with Disabilities Education Regulations (IDEA), and the Early Intervention Program for Infants and Toddlers with Disabilities Regulations (Part C) may apply. Additional requirements are imposed by individual State agencies.

LOCAL PROCEDURES FOR TRANSFER AND RELEASE OF RECORDS

The LITP should develop and maintain written procedures involving transfer and release of early intervention records for infants and toddlers who are entering or leaving the local early intervention system. These procedures must be consistent with this TA bulletin.

For more information, call 410-767-0249
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