



ADMINISTRATIVE RULES OF MONTANA



37.34.612 FAMILY SERVICES: FAMILY EDUCATION AND SUPPORT SERVICES REQUIREMENTS

- (1) Family education and support services must be provided in accordance with the performance requirements in this rule.
- (2) A contractor providing family education and support services must comply with the performance requirements in this rule and the contract.
- (3) Core services must be provided to all families except those families who participate in limited or follow-along services.
- (4) The evaluation and assessment process must consider the unique characteristics of the child, the accumulated information about the child, and the child's parents' choices regarding evaluation alternatives.
 - (a) During initial and ongoing contacts in the evaluation and assessment process, the child must be continually assessed and matched to eligibility requirements for available resources provided by the contractor or other service delivery systems.
 - (b) The evaluation and assessment process must provide the child's parents with appropriate information for making informed decisions regarding service options for their child and family.
 - (c) The evaluation and assessment process must be individualized in nature, must be based on the family's primary developmental and functional concerns regarding the child, and must address the child's specific characteristics.
- (5) Information and referral must be provided on an as- needed basis. Information and referral to more appropriate services must be provided to children found to be ineligible for developmental disabilities services.
- (6) The individualized family service plan (IFSP) must direct the provision of assistance and services to the child.
 - (a) The needs of the child and the family must be identified and prioritized in the IFSP.
 - (b) The methods and outcomes established through the IFSP must be consistent with the family's priorities and values.
 - (c) The family must be allowed to participate in the planning process at the level they find most comfortable. The family must receive written notification of all team meetings and may request written notification of other team members.
 - (d) The IFSP must meet with the approval of the family.

- (e) The IFSP must include every service provided to the child and family.
 - (f) The funding source for each objective in the IFSP must be identified.
 - (g) The IFSP must include objectives and prescriptive programs related to the accomplishment of child education outcomes.
 - (h) Decisions as to the services, resources and supports to be provided must be made with consideration of the level of services the child is receiving and the availability of funding.
- (7) Family service records must be maintained documenting each contact with or on the behalf of a child or family and describing the services provided.
- (8) The IFSP must be evaluated, revised or rewritten in response to family need or as otherwise necessary.
- (9) Support coordination must serve to obtain the supports and services as specified in the IFSP.
- (a) Support coordination may only be provided by a family support specialist, an intensive support coordinator, or a family member.
 - (b) Support coordination manages the delivery of services so as to assure usage of other appropriate services before the IFSP may attempt to develop any new resource to meet an identified need.
 - (c) Family members may choose to take responsibility for completing certain support coordination activities in accordance with the IFSP.
 - (d) Each family must be assigned a family support specialist responsible for monitoring support activities.
- (10) Respite services must be provided in conformity with an IFSP or an annual service agreement developed with the family.
- (a) Respite services are selected in collaboration with the family.
 - (b) The family selects the persons to provide respite care.
 - (c) Respite services are provided based on the availability of funds.
- (11) Procedural safeguards must be accorded to children and families receiving family education and support services.
- (a) Parents must be provided the opportunity to examine, inspect or review records relating to evaluations, assessments, eligibility determination, IFSP development and implementation, individual complaints dealing with the child, and any other areas involving records about the child and the child's family.
 - (b) Parents must be given prior notice for matters of eligibility, evaluation, or placement of the child. Notice must be effectively given by means of native language or other communication form when appropriate.
 - (c) Parental prior consent must be given in writing for:
 - (i) conducting the initial evaluation, child assessment, and family information gathering;

- (ii) initiating the provision of services for the first time, or any time a change in service is being considered; and (iii) the exchange of personally identifiable confidential information.
- (d) Parents must be allowed to decline all services or a specific service. Declining a service must not jeopardize the receipt of other services.
- (e) A surrogate parent must be appointed when:
 - (i) no parent can be identified;
 - (ii) the division, appropriate state agency, or the family services agency cannot discover the whereabouts of a parent after engaging in reasonable efforts; or
 - (iii) the child is a ward of the state under law.
- (f) Personally identifiable information must be kept confidential.
- (g) An adverse decision affecting services to the child or family may be appealed.
 - (i) A decision must be appealed through the internal grievance procedures of the contractor. If a resolution cannot be reached with the contractor, the decision is appealable under the provisions of ARM 46.2.202, et seq.
 - (ii) For federally funded Part H family education and support services, a decision must be appealed through the internal grievance procedures of the contractor. If a resolution cannot be reached with the contractor, the decision is appealable in accordance with the procedures for resolving complaints regarding federally funded Part H early intervention services as provided by federal rule at 34 CFR 303.420 through 303.425. The department hereby adopts and incorporates by reference the impartial procedures for resolving individual child complaints regarding federally funded Part H early intervention services published, July 1, 1994, by the United States department of education, at 34 CFR 303.420 through 303.425.
- (h) Each family must be provided with a copy of procedures for appealing decisions made by the contractor.
- (i) Child and family participation in family services is on a voluntary basis.
- (12) An annual consumer satisfaction survey of families who received services during the year must be conducted and the results provided to the department.
- (13) A monthly waiting list must be submitted to the department's regional office according to procedures defined by the department.
 - (a) An inventory for client and agency planning (ICAP) must be completed and submitted for each child on the waiting list, each child enrolled in services, and upon initial enrollment, for each child waiting for or receiving limited or follow-along services.
- (14) Family education and support services staff assist a family in selecting and training providers to achieve identified IFSP outcomes.
 - (a) A family generally may select and train providers of resource and support wrap-around services. In certain circumstances requiring specialized training, family education and support services staff may recruit, screen, and interview potential providers.

(15) Family education and support services staff monitor and document service delivery.

Authorizing statute(s): Sec. 53-20-204, MCA

Implementing statute(s): Sec. 53-20-205, MCA

History: NEW, 1995 MAR p. 1136, Eff. 6/30/95; TRANS, from SRS, 1998 MAR p. 3124.