



Early Intervention Family Alliance

www.EIFamilyAlliance.org

**EIFA WRITTEN STATEMENT REGARDING
THE PROPOSED REGULATIONS ON THE FAMILY EDUCATIONAL
RIGHTS AND PRIVACY ACT**

34 CFR Part 99

The Early Intervention Family Alliance (EIFA) is a national group of family leaders dedicated to improving outcomes for infants and toddlers with disabilities and their families by assuring meaningful family involvement in the development of policies related to Part C of IDEA and implementation of those policies at the community, state and federal levels.

Part C of IDEA is designed to address the needs of infants and toddlers with disabilities and their families. Our children's Individual Family Service Plans (IFSPs) are protected by FERPA. The information contained in these IFSPs relate not only to our children but to our families as well. As such we would like to comment on the proposed FERPA regulation changes.

Outsourcing: We welcome the proposed clarification allowing sharing of directory information with subcontractors and grantees. Families with young children with disabilities often relate that they are isolated and have difficulty finding other families with similar experiences. We know that some states have subcontractors or grantees who would like to interact directly with families about training opportunities, but under the current regulations they must use more onerous methods to reach families. Our experience has been that few parents receiving early intervention services learn of training programs. Allowing states and localities to share directory information with subcontractors or grantees that provide information and training to families about their rights under Part C is one way to address the concerns of families. We appreciate that the regulations

remind states and localities that families retain the right to opt-out of this directory information.

Access Control and Tracking: We are concerned that there are differences between software utilized for tracking grades of general education students and software utilized for IFSPs. It has been our experience that there are fewer built in controls with regard to IFSP software. We would encourage the compliance office to work more closely with OSEP and to provide states guidance on ensuring that there are adequate access controls and tracking. Many providers of early intervention services are not housed at bricks and mortar schools, but rather are utilizing home computers with wireless connections to access the files of the children and families they serve. We are concerned that there are no assurances to families that these providers have set up their wireless connections to ensure that the information contained in their files about children and their families are safe from view by outsiders. Further, because of the professional licensure laws covering Occupational Therapists, Physical Therapists, and Speech Therapists the files created and maintained by these professionals about our children and families must be maintained until our children reach the age of majority, it is important that the FERPA office and OSEP work together to address the fact that these files are often kept in home offices. The regulations address typical elementary, secondary and even higher education programming where there is a central office with a limited number of satellite or neighborhood schools; however the regulations do not appear to look at the unique circumstances related to Part C, where families are often aware of multiple files, stored at multiple sites.