

Understanding Procedural Safeguards: Examples of Explanations and Implications for Families*

Rights and safeguards under 34 CFR § 300.400-.449. Regulations for the Early Intervention Program for Infants and Toddlers With Disabilities, Part C of IDEA (US. Department of Education, 2011)

Prior written notice (§.421)

The early intervention program must give you advance written information about any evaluations, services, or other actions affecting your child. Parents know their children best. The information you share with us will make sure that the evaluations and services are right for you. The "paper work" assures that you get all the details *before* any activity.

Use of parent's native language or preferred mode of communication (§.25 and .421)

It is your right to thoroughly understand all activities and written records about your child. If you prefer another language or way of communicating (explain relevant option, such as braille, sign language, etc.), we will get an interpreter (use your mode of communicating), if at all possible. The early intervention program wants you to understand so that you can be an informed team member and decision-maker.

Parent consent (§.7)

The early intervention program needs your permission to take any actions that affect your child. You will be asked to give your consent in writing before we evaluate or provide services. Be sure you completely understand the suggested activities. By being involved, you can help the early intervention program plan services that match your family's preferences and needs. The early intervention program needs to explain what happens if you give your consent and if you do not give your consent.

Confidentiality (§.401-417)

The early intervention program values the information you and other service and health care providers have learned about your child. We will ask others for this information, but we need your written permission to do so. Just as the early intervention program needs your permission to get your child's records from other providers, the records that the early intervention program will develop will not be shared with anyone outside the early intervention program unless you give your permission. The Early Intervention program will assure your records are kept private.

Access to records (§.405)

The early intervention record is your family's record. You can see anything in the early intervention program's records about your child and family. If you do not understand the way records are written, the information in the child's record will be explained to you in a way you understand. You are a team member and we want you to have the same information as other team members.

Parent Consent and ability to decline services (§.420)

With the other members of your child's early intervention team, you will consider which services can best help you accomplish the outcomes that you want for your child and family. You will be asked to give your consent for those services that you want. You do not have to agree to all services recommended. You can say no to some services and still get the services that you do want. If you decide to try other services at a later date, you can give your consent then.

Mediation (§.431)

If you and the early intervention team do not agree on plans or services, or if you have other complaints about your experience with the program, there are procedures for resolving your concerns quickly. If informal ways of sharing your concerns with your team and the early intervention program don't work, you may file a complaint. Mediation will be offered as a voluntary first step. A trained, impartial mediator will facilitate problem-solving between you and the early intervention program. You may be able to reach an agreement that satisfies you both. If not, you can go ahead with a due process hearing to resolve your complaint. Mediation will not slow down the hearing process. Airing and solving problems can improve communication and make programs stronger. Some locations offer mediation before a formal complaint is filed.

Due process procedures (§.435-447)

A due process hearing is a formal procedure that begins with a written complaint. The hearing will assure that a knowledgeable and impartial person, from outside the program, hears your complaint and decides how to best resolve it. The early intervention program recognizes your right to make decisions about your child and will take your concerns seriously. You are given a copy of regulations that describe all these rights and procedures in detail, because it is important that you understand.

***Sample of Language that might be used by an early intervention program to explain implications of regulations to families. This tool does not replace *Parent Rights for SoonerStart Services – Notice of Procedural Safeguards*.**

Updated 2012 from Hurth & Goff (2002) Assuming the Family's Role on the Early Intervention Team, NECTAS