

MNCIMP: SR Record Review Training

PART C – Notification

Notification is comprised of the following citation areas:

- Prior Written Notice (PWN) for Screening (if applicable)
- Parental Consent for Screening (if applicable)
- Screening Results (if applicable)
- Prior Written Notice for Evaluation and Assessment
- Parental Consent for Evaluation and Assessment
- Notice of Individual Family Service Plan (IFSP) Meetings
- Prior Written Notice IFSP
- Parental Consent for IFSP

Legal Authority

Prior written notice must be provided to parents a reasonable time before the lead agency or an EIS [Early Intervention Service] provider proposes, or refuses, to initiate or change the identification, evaluation, educational placement of their infant or toddler, or provision of early intervention services to the infant or toddler with a disability and that infant's or toddler's family.

34 C.F.R. § 303.421(a)

A Part C prior written notice is required:

- Prior to screening
- After screening when results indicate no suspicion of disability or need to evaluate
- After determination that a child is not eligible for Part C services

See 34 C.F.R. § 303.320 (a)(1)(i), 34 C.F.R. § 303.320 (a)(2)(ii), 34 C.F.R. § 303.322

- Prior to initial evaluation and assessment for early intervention services for Part C
- Prior to initiating early intervention services (birth-2)
- For conducting ongoing assessment
- Whenever changing placement or provision of early intervention services

See 34 C.F.R. § 303.421(a)

PWN for Screening-Action Proposed

- The notice must be in sufficient detail to inform parents about—The action that is being proposed or refused. . .

34 C.F.R. § 303.421(b)(1)

Sample of Noncompliance

Walden Lake Public Schools will observe Tyler to see if there are any concerns about development and need for evaluation and assessment.

Sample of Compliance

Walden Lake Public Schools will conduct a developmental screening of Tyler using the Bayley Infant Neurodevelopmental Screener (BINS). An Early Childhood Special Education Teacher will conduct the screening.

PWN for Screening-Why Action Proposed

- The notice must be in sufficient detail to inform parents about—The reasons for taking the action. . .

34 C.F.R. § 303.421(b)(2)

Sample of Noncompliance

This observation will be completed as part of the routine screening process.

Sample of Compliance

Tyler’s parents are concerned that Tyler is developing more slowly than his cousins. The information obtained through screening will be used to determine whether or not Tyler is suspected of being a toddler with a disability.

PWN for Screening-Procedural Safeguards

- The notice must be in sufficient detail to inform parents about—All procedural safeguards that are available under this subpart, including a description of mediation[,], how to file a State complaint[,], and a due process complaint[,], and any timelines under those procedures.

34 C.F.R. § 303.421(b)(3)

Points of Clarification:

- Most PWN or Parental Consent forms have this information built in.
- This specific requirement is included on MDE’s model Part C prior written notice form posted on our website.

PWN for Screening-Understandable Language

- The notice must be—Written in language understandable to the general public. . .

34 C.F.R. § 303.421(c)(1)(i)

Points of Clarification:

- Similar to Part B standards
- Do not use professional jargon
- Do not use acronyms

PWN for Screening-Native Language

- The notice must be—Provided in the native language, as defined in § 303.25, of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

34 C.F.R. § 303.421(c)(1)(ii)

Points of Clarification:

- This is the language normally used by the parent.
- When used with respect to an individual who blind or visually impaired or for an individual with no written language, this means the mode of communication that is normally used.

PWN for Screening-Right to Evaluation

- If the lead agency or EIS provider proposes to screen a child, it must—Provide the parent notice of its intent to screen the child to identify whether the child is suspected of having a disability . . . and include in that notice a description of the parent’s right to request an evaluation . . . at any time during the screening process. . .

34 C.F.R. § 303.320(a)(1)(i)

Parental Consent for Screening (if applicable)

- The lead agency must ensure parental consent is obtained before—Administering screening procedures . . . that are used to determine whether a child is suspected of having a disability. . .

34 C.F.R. § 303.420(a)(1)

Points of Clarification:

- Compare parent signature dates with the date of screening.
- It is acceptable if parental consent was obtained and the screening was conducted on the same day.

Screening Results (if applicable)

- If the parent consents to the screening and the screening or other available information indicates the child is—Suspected of having a disability . . . an evaluation and assessment must be conducted . . .

34 C.F.R. § 303.320(a)(2)(i)

- If the parent consents to the screening and the screening or other available information indicates the child is—Not suspected of having a disability, the lead agency or EIS provider

must ensure that notice of that determination is provided to the parent . . . and the notice describes the parent’s right to request an evaluation.

34 C.F.R. § 303.320(a)(2)(ii)

Points of Clarification:

If screening determines that the child is not suspected of having a disability

- The school district must provide a prior written notice to the parents indicating they will not be doing an evaluation.
- This notice must include a statement of the parent’s right to request an evaluation.

Sample of Compliance

1. Description of what the district will not do:

The district will not conduct an evaluation of Tyler at this time.

Sample of Compliance

2. Description of why the district will not take action:

The scores obtained from the Bayley Infant Neurodevelopmental Screener (BINS) were well above the cut-off for concern in the areas of cognition and communication. Tyler’s scores on the Ages and Stages Questionnaire completed by parents support this. Therefore, Tyler is not suspected of being a toddler with a disability.

Prior Written Notice for Evaluation and Assessment

PWN for Evaluation and Assessment-Action Proposed

- The notice must be in sufficient detail to inform parents about—The action that is being proposed or refused. . .

34 C.F.R. § 303.421(b)(1)

Sample of Noncompliance

1. Description of what the district will do:

Initial evaluation for early intervention services list of tests notes a Hawaii Early Learning Profile will be administered “if needed” and all tests will be conducted by “Early Childhood Staff,” neither of which is sufficient information.

Sample of Compliance

1. Description of what the district will do:

The district will conduct an initial evaluation of your child to determine eligibility. More specific information about the evaluation tools and procedures is documented below. If your child is determined eligible for early intervention services, the district also proposes

to conduct an initial assessment of your child in developmental areas in order to identify your child's unique strengths and needs and the early intervention services appropriate to meet those needs. The specific assessments are described below.

PWN for Evaluation and Assessment-Why Action Proposed

- The notice must be in sufficient detail to inform parents about—The reasons for taking the action. . .

34 C.F.R. § 303.421(b)(2)

Sample of Noncompliance

2. Explanation of why the district will take the action:

The district is required to conduct an evaluation and assessment when a child is referred to Part C and does not pass a screening.

Sample of Compliance

2. Explanation of why the district will take the action:

The district is proposing this evaluation because the results of the screening conducted on 7/21/14 indicate that Tyler is suspected of being a child with a disability due to low scores in the area of language. If your child is determined eligible, the district is proposing an assessment of your child to provide information needed to develop an Individualized Family Service Plan that will address any identified developmental needs and build upon your child's strengths.

PWN for Evaluation and Assessment-Procedural Safeguards

- The notice must be in sufficient detail to inform parents about—All procedural safeguards that are available under this subpart, including a description of mediation[,] how to file a State complaint[,] and a due process complaint[,] and any timelines under those procedures.

34 C.F.R. § 303.421(b)(3)

PWN for Evaluation and Assessment-Understandable Language

- The notice must be—Written in language understandable to the general public. . .

34 C.F.R. § 303.421(c)(1)(i)

PWN for Evaluation and Assessment-Native Language

- The notice must be—Provided in the native language, as defined in § 303.25, of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

34 C.F.R. § 303.421(c)(1)(ii)

Parental Consent for Evaluation and Assessment

- The lead agency must ensure that consent is obtained before—All evaluations and assessments of a child. . .

Notice for IFSP Meetings

- Meeting arrangements are made with, and **written notice provided** to, the family and other participants early enough before the meeting date to ensure that they will be able to attend.

34 C.F.R. § 303.342(d)(2)

Points of Clarification:

- Unlike Part B, this citation specifically requires the family and other participants must receive **written** notice, even if you are making arrangements with the family in person.

Prior Written Notice for Individual Family Service Plan (IFSP)

PWN for IFSP-Action Proposed

- The notice must be in sufficient detail to inform parents about—The action that is being proposed or refused. . .

34 C.F.R. § 303.421(b)(1)

Sample of Noncompliance

1. Description of what the district will do:

The district will continue to provide early intervention services for Tyler. Please see attached IFSP.

Sample of Compliance

1. Description of what the district will do:

The district will continue to provide early intervention services as described in the attached Individualized Family Service Plan (IFSP). As discussed at the IFSP meeting held on August 1, 2014 the team agreed to increase services in the areas of communication and gross motor to twice a week. The Early Childhood Special Education teacher will continue to assess your child’s emerging development throughout the period covered by this IFSP using the Carolina Curriculum for Infants and Toddlers with Special Needs which will be updated monthly.

PWN for IFSP-Why Action Proposed

- The notice must be in sufficient detail to inform parents about—The reasons for taking the action. . .

34 C.F.R. § 303.421(b)(2)

Sample of Noncompliance

2. Explanation of why the district will take the action:

Zach qualifies for early intervention services under Part C of IDEA.

Sample of Compliance

2. Explanation of why the district will take the action:

Zach has a delay in expressive communication and fine motor skills and has been determined eligible for early intervention services. The IFSP addresses Zach's unique needs and your priorities for his and your family. Ongoing assessment will provide information that will allow your child's IFSP team to monitor your child's developmental progress across developmental areas and promptly act upon any future concerns.

PWN for IFSP-Procedural Safeguards

- The notice must be in sufficient detail to inform parents about—All procedural safeguards that are available under this subpart, including a description of mediation[,] how to file a State complaint[,] and a due process complaint[,] and any timelines under those procedures.

34 C.F.R. § 303.421(b)(3)

PWN for IFSP-Understandable Language

- The notice must be—Written in language understandable to the general public. . .

34 C.F.R. § 303.421(c)(1)(i)

PWN for IFSP-Native Language

- The notice must be—Provided in the native language, as defined in § 303.25, of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

34 C.F.R. § 303.421(c)(1)(ii)

Parental Consent for IFSP

- The lead agency must ensure parental consent is obtained before—Early intervention services are provided to the child. . .

34 C.F.R. § 303.420(a)(3)

Points of Clarification:

- There is no implied consent for Part C
- Written parental consent is required
 - Initial IFSP
 - Annual IFSP
 - Any changes in services

Review and Discuss

- Please answer the following questions in your small groups:
- What information from the presentation did you already know?

- What from the presentation was new to you?
- How will this information change practices in your district?
- What still needs clarification or what questions do you still have?
- Please write your questions on the Training Participant Question Form (blue sheet).

Up next...

- Review of Mock File
- Break
- Evaluation and Eligibility Standards