

Prior Written Notice

The intent of Prior Written Notice is to help families understand what is happening with their child and be part of the decision making process. Prior Written Notice is required at identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and their family. The Prior Written Notice form can be found under the “Forms and Resources” section of the ITP eManual.

Prior Written Notice must be provided a reasonable time before:

- A local participating agency or provider proposes to initiate or change the identification, evaluation, and placement of the child; or the provision of appropriate early intervention services to the child and family.
- A local participating agency or provider refuses to initiate or change the identification, evaluation, and placement of the child; or the provision of appropriate early intervention services to the child and family.

Prior Written Notice must include the following:

- Actions being proposed or refused.
- Reasons for taking the action.
- All procedural safeguards that are available under Part C, IDEA including a description of mediation, state complaint and due process hearing procedures, how to file a complaint, and the timelines for those procedures.

Procedural safeguards information is provided to the family using the *Child and Family Safeguards in the Part C Early Intervention System* brochure.

Prior Written Notice must be in written in language understandable to the general public and in the parent’s native language or other mode of communication used, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, steps must be taken to ensure that:

- The notice is translated orally or by other means to the parent/guardian in the parent’s native language or other mode of communication.
- The parent understands the notice.
- There is written evidence that these requirements have been met (e.g., documentation in a continuing service report or a copy of the Prior Written Notice in the child’s records). These examples of written evidence satisfy the parent signature requirement.

If a parent is deaf or blind, or has no written language, the mode of communication must be that normally used by the parent such as sign language, Braille, or oral communication.

Information provided to the family via the *Idaho Infant Toddler Program Child and Family Safeguards* brochure ensures that the following procedural safeguards are available:

- The right to a timely, multidisciplinary evaluation and assessment and if the child qualifies, development of an Individualized Family Service Plan (IFSP).

- The right to receive evaluation, assessment, IFSP development, service coordination, and procedural safeguards free of charge.
- The right, if eligible, to appropriate early intervention services for their child and family at low or no family cost. No family will be refused services because of an inability to pay.
- The right to refuse screenings, evaluations, assessments, and services without jeopardizing other services.
- The right to timely notice before a change is made, or refused, in the identification, evaluation, or placement of the child, or in the provision of services to the child or family.
- The right to receive early intervention services in natural environments to the extent appropriate to meet the child's developmental needs.
- The right to confidentiality of personally identifiable information.
- The right to review and correct records.
- The right to be invited to attend, and participate in all meetings in which a decision is expected. This includes proposals to change the identification, evaluation, or placement of the child; or the provision of services to the child or family.
- The right to use an advocate or lawyer in any and all dealings with the early intervention system.
- The right to file a complaint.
- The right to request mediation or due process procedures to resolve complaints.

Identification

Written Notice for identification is required prior to proposing or refusing to do the following:

- Identify a child as needing a screening to determine whether they are suspected of having a developmental delay or disability (PWN is not required for screenings done at any other interval for a child in ITP).
- Identify a child as needing evaluations to determine eligibility for early intervention services.
- Identify a child as eligible for early intervention services.

Recommended practice suggests a need for more than a completed Prior Written Notice form to inform a parent/guardian that their child was not eligible (i.e., a personal communication is in order). Internal procedures for refusal to identify a child as eligible (denial of eligibility) should be conducted under close supervision of the Supervisor or Program Manager.

Evaluation

Written Notice for evaluation is required prior to proposing or refusing to do the following:

- Conduct any evaluations to determine eligibility.
- Conduct any subsequent evaluations.

Written notice is not required prior to conducting ongoing assessments associated with therapies the child is currently receiving as part of early intervention services.

Re-evaluations require a Prior Written Notice.

Placement and Provision of Service

Written Notice is required prior to proposing to initiate or change the placement and provision of early intervention services, as follows:

- Proposing/changing the location of the therapy or service.
- Proposing/changing the amount and/or type of therapy or service.

The Notice can take place during the initial Individualized Family Service Plan (IFSP) meeting, or the six-month or annual reviews.

- The Individualized Family Service Plan document serves as the Prior Written Notice for proposing the services listed on the IFSP.

Written Notice is required prior to refusing to initiate or change the placement and provision of early intervention services, and takes place:

- After a child has been evaluated and determined not eligible for the Infant Toddler Program.

This could include times during six month and annual reviews when it is indicated the child has made progress and no longer meets the eligibility criteria and no longer needs service.
- When there is no available provider for a recommended service.

Recommended practice suggests a need for more than a completed Prior Written Notice form to inform a parent/guardian that their child was not eligible or that there was no service available (i.e., a personal communication is in order). Internal procedures for refusal to initiate the placement and provision of services should be conducted under close supervision of the Supervisor or Program Manager.

Internal procedures for refusal to change the placement or provision of early intervention services should be conducted under close supervision of the program supervisor.