

## **CHAPTER 7: PROCEDURAL SAFEGUARDS**

REVISION DATES: 07/01/2021, 12/14/2018

EFFECTIVE DATES: 04/01/2022, 07/01/2019

INTENDED USER(S): All ADES/AzEIP personnel, AzEIP Service Providing Agencies including all employees, contractors, subcontractors, and volunteers.

REFERENCES: 20 U.S.C. §1401(23); 34 C.F.R. Part 99; 34 C.F.R. §303.7, -.27

123, -.400, -.403, and -.449; 34 C.F.R. §99.3, 20 U.S.C. §§1232g, 1439(a)(2), and 1442; 34 C.F.R. §303.401-402, 34 C.F.R. 303.404, 20 U.S.C. §1232, et seq.

(FERPA) and 34 C.F.R. §303.405 - 413., 34 C.F.R. §303.405-409, 34 C.F.R. §303.410-411, 34 C.F.R. §303.401(d)(1), -.414-.415; 34 C.F.R. 99.30(d), 34 C.F.R. §303.416; 20 U.S.C. 1232f; 34 C.F.R. Parts 76 and 80, 34 C.F.R. §420, 20 U.S.C. §§1439(a)(6) and (7); 34 C.F.R. §§303.21 and 303.421, 20 U.S.C. §1439(a)(5); 34 C.F.R. §§303.27; -.422, 20 U.S.C. §1439; 34 C.F.R. §§303.401-449, 20 U.S.C. §1415(e); 34 C.F.R. §303.431, 34 C.F.R. §303.438, 34 C.F.R. §§303.430; 435. 34C.F.R. §§303.432-434

### **7.8 Prior Written Notice (PWN)**

- 7.8.1 In general, the service coordinator must provide PWN to a parent after the team makes its decisions and before the implementation of those decisions. (after the decision, before the action.)
- 7.8.2 The family must be provided written information and provided an explanation of their rights and procedural safeguards with every PWN.
- 7.8.3 PWN must be provided to a parent by the service coordinator and parental consent obtained before a screening is conducted to determine if the child is suspected of having a developmental delay. The Consent for Screening – Prior Written Notice form satisfies both the PWN and parental consent requirements. The notice must include a description of the parent’s right to request an evaluation at any time throughout the screening process.
- 7.8.4 PWN must be provided to a parent by the service coordinator and parental consent obtained before an evaluation to determine the initial or continuing eligibility for AzEIP. The Consent for Evaluation – Prior Written Notice satisfies both PWN and parental consent requirements.
- 7.8.5 PWN must be provided to a parent by the service coordinator when the EIP refuses to conduct an initial evaluation to determine a child’s eligibility. This decision is made when discussions with the parent, a review of records, and the screening results do not support the need for an evaluation.
- 7.8.6 PWN must be provided to a parent by the service coordinator after the multidisciplinary team determines eligibility, but before the team takes any further action. Inform the parent of the reason(s) the child was determined eligible or not eligible, and the options available if the parent disagrees with the determination.
- 7.8.7 PWN must be provided to a parent by the service coordinator at the end of

each IFSP meeting (initial, 6-month review, annual, or periodic review) to confirm the decisions that were made regarding services during the meeting with the parent.

- A. If the parent agrees to all the decisions being made the signature page of the IFSP (the “IFSP Informed Consent by Parent(s) for Services” page”) is used as the PWN.
- B. If the parent disagrees with the decisions of the other team members, the service coordinator must complete the PWN form describing the action being proposed or refused and the reason(s) for the decision.