

POSM Protocol R1-05: Family Rights and Procedural Safeguards	
Category	Access & Quality
Purpose	All families are made aware of their rights and procedural safeguards, and these are implemented throughout a family's time in Part C.
IDEA Foundation(s)	<p>34 CFR 303.421 dictates that prior written notice must be provided to parents a reasonable time before the lead agency or an EIS provider proposes, or refuses, to initiate or change the identification, evaluation, or placement of their infant or toddler, or the provision of early intervention services to the infant or toddler with a disability and that infant's or toddler's family...the notice must be in sufficient detail to inform parents about—(1) The action that is being proposed or refused; (2) The reasons for taking the action; and (3) All procedural safeguards that are available under this subpart, including...mediation..., how to file a State complaint...and a due process complaint..., and any timelines under those procedures.</p> <p>→ In its evaluation, the SLA would expect to find documentation in individual child records of dissemination and implementation of parental rights and procedural safeguards as required by an IFSP (initial or review).</p>
Local Part C Contract Requirement(s)	2.1.2.b.(8) – [Administration]” ... Facilitating continuous local system improvement through...review of sufficient records that verify that all practitioners, including service coordinators and contracted staff, are correctly implementing eligibility requirements, assessment and evaluation requirements, IFSP requirements, procedural safeguard requirements, documentation requirements and providing evidence-based supports and services.”
Responsible Party	Part C monitoring team
Frequency and Method	1x/POSM cycle; desk audit and interview(s)
Data Source(s)	<ul style="list-style-type: none"> • State data system (TRAC-IT) with supporting documentation provided by locality (if not readily accessible in TRAC-IT) • Interview(s) • POSM Provider Survey
Amount of Data	<ul style="list-style-type: none"> • Case review(s); determined by annualized child count: 1-200 = 15 records; 201-500 = 22 records; 501+ = 30 records. • Interview(s); varies by locality; determined by Part C monitoring team with LSM input

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Compliance Criteria	<p>Evidence of requirement(s) as demonstrated by:</p> <ul style="list-style-type: none"> • Documentation in individual child records of dissemination and implementation of parental rights and procedural safeguards as required by an IFSP (initial or review) that occurred during the review period or, if none, immediately preceding the review period.
Monitoring Summary	<p>The Part C monitoring team identifies a representative sample of local cases to be reviewed from a 3-month period. Utilizing a review tool for consistency, team members review individual records for documentation of dissemination and implementation of parental rights and procedural safeguards as required by an IFSP (initial or review) that occurred during the review period or, if none, immediately preceding the review period.</p>
Required Action(s)	<ul style="list-style-type: none"> • If all (100%) records reviewed meet compliance criteria, no further action(s) required. -OR- • If fewer than 100% of records reviewed meet compliance criteria the locality must within ninety (90) days of notification of finding(s) develop a process (for SLA review and approval) to improve performance and subsequently implement identified improvement activities as soon as possible but in no case later than nine (9) months post notification of finding(s).
Revision History	<ul style="list-style-type: none"> • Original: 2024-10 • Revised: 2025-08 <ul style="list-style-type: none"> ○ IDEA Foundation(s): REMOVED 34 CFR 303.420 ○ IDEA Foundation(s): ADDED detailed description 34 CFR 303.421 ○ IDEA Foundation(s): ADDED “<i>In its evaluation...</i>” to item(s) for additional context. ○ Data Source(s): ADDED “<i>POSM Provider Survey</i>” ○ Compliance Criteria: REMOVED “(above)” ○ Monitoring Summary: Edited to reflect actual practice ○ Table: Formatting changes ○ Footer: Specified ORIG date; added REV date