##### 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) | * [34 CFR §303.420](https://www.ecfr.gov/current/title-34/section-303.420) – Parental consent and ability to decline services. * [34 CFR §303.421](https://www.ecfr.gov/current/title-34/section-303.421) – Prior written notice and procedural safeguards notice. |
| 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) | * State data system (TRAC-IT) with supporting documentation provided by locality (if not readily accessible in TRAC-IT) * Interview(s) |
| Amount of Data | * 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 to ensure local representativeness across families and providers |
| Compliance Criteria | Evidence of requirement(s) (above) as demonstrated by:   * 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 | The Part C monitoring team identifies a representative sample of local cases to be reviewed, selecting from the 3-month period immediately preceding initiation of local POSM. 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.  From this representative sample of cases, a smaller sample of families, service coordinators and direct service providers is selected for follow-up interviews. During each interview, team members are listening for commonalities of experience that support dissemination and implementation of parental rights and procedural safeguards and/or inconsistencies that may indicate the need for further technical assistance and follow-up. |
| Required Action(s) | * 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 | Original: 2024-10-10 |