Introduction to Procedural Safeguards

Produced by NICHCY, 2015
This module provides an overview of Part C’s procedural safeguards, including:

- Parent consent and written notice to parents
- Confidentiality
- Appointing a surrogate parent
- Overview of options for resolving disputes

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Procedural Safeguards in a Nutshell

Procedural safeguards...

- are designed to **protect the rights** of infants and toddlers with disabilities and their families

- offer **options for resolving disagreements** that arise under Part C of IDEA
Two Parental Rights as Safeguards

Prior written notice

Parent consent

SIGN HERE

name (print)

signature
Prior Written Notice

Written notice must be:

- written in language understandable to the general public
- provided in native language of parent or other mode of communication used by parent*

* Unless it is clearly not feasible to do so
When Parental Consent is Required

<table>
<thead>
<tr>
<th>Before any <strong>screening</strong> procedures are used to determine if the child is suspected of having a disability</th>
<th>Before <strong>evaluation and assessment</strong> of the child</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before early intervention <strong>services</strong> are provided to the child</td>
<td>Before public benefits or <strong>insurance</strong> (or private insurance) are used (if consent is required)</td>
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Before **personally identifiable information** is disclosed
Two More Procedural Safeguards

- Parental right to confidentiality of personally identifiable information
- Parental right to inspect and review their child’s early intervention records
Appointing a Surrogate Parent

If needed to protect the rights of an infant or toddler with a disability, a surrogate parent may be appointed, when:

- No parent can be identified for the child
- The lead agency or other public agency, after reasonable efforts, cannot locate the child’s parent, or
- The child is a ward of the State under State law
A Look from Outer Space at...

Part C’s Dispute Resolution Options

- Mediation
- State complaint
- Due process hearing
Roundup Time!