Verification Requirements: Procedural Safeguards

Indicator: Procedural Safeguards

Indicator Type: Program Management

Item PS-1: Does the infant toddler or preschool Early Intervention program track all complaints, follow procedural safeguard timelines, identify systemic issues, and use data to implement quality improvements?

Infant Toddler and Preschool EI Criteria
There is evidence of the following: • A process is in place for tracking and reviewing complaints on an ongoing basis, including local complaints, local conflict resolution meetings (*IT only*), state compliant investigations, and requests for IFSP or IEP facilitation, mediation, and due process, • Timelines are met for the local conflict resolution meetings (*IT only*), • Requests for IFSP or IEP facilitation, mediation and due process are sent to the Office for Dispute Resolution in a timely manner to ensure that complaints are resolved based on timeline requirements, • Resolution meetings related to a due process request are held within 15 days of receiving notice of the parent's due process complaint, unless agreement to waive was made between the EI program and the family *(Preschool Only),* • A process is in place to identify systemic issues generated by complaints, • Corrective action from state complaint investigation reports is implemented, and • Quality improvements are identified and implemented based on the review of complaints.

Regulatory Source

Infant Toddler	Preschool
Title 55 Pa. Code § 4226.97	IDEA 34 CFR §300.600-602

Directions for Finding Evidence
1. Prior to the Verification, review the **Complaint Resolution Worksheet**. 2. Prior to the Verification, review ODR reports for timely documentation of meeting dates for IFSP or IEP facilitation, mediation, and due process. 3. Interview the program supervisor or program coordinator according to the ***Supervisor's Interview Protocol***. 4. Review other documents, if identified by the program supervisor or coordinator, which provide evidence of the ongoing review of complaints.

Standards for Performance Rating

Meets Requirements	Does Not Meet Requirements
• There is a process in place to manage local implementation. • The local program reviews data and process on an ongoing basis. • Process is updated as needed based on review of data. • The process ensures the identification of systemic issues generated by complaints and the identification of quality improvements.	One or more of the conditions under Meets Requirements are not met.

Indicator: Procedural Safeguards

Indicator Type: Program Management

Item PS-2: Does the infant toddler or preschool Early Intervention program ensure staff are able to describe the parent's procedural safeguards?

Infant Toddler and Preschool EI Criteria
There is evidence of the following: • Personnel are familiar with the provision of procedural safeguards, and can explain them to parents, • Parents are informed of all complaint resolution processes, and • Parents are aware of who to call when/if they have a concern.

Regulatory Source

Infant Toddler	Preschool
IDEA 34 CFR §303.700-702	IDEA 34 CFR §300.600-602

Directions for Finding Evidence
1. Interview staff according to the protocol in the ***Staff Interview Protocol***. Interview 2 service coordinators or 2 staff that are responsible for explaining procedural safeguards to families. AND 2. Interview parent/s according to the protocol in the *Parent* ***Interview Protocol*** *included in the Verification Observation Tool.*

Standards for Performance Rating

Meets Requirements	Does Not Meet Requirements
Four of the four interviews conducted documented that the staff understood procedural safeguards and the parents knew their rights.	One or more interviews conducted did not document that the staff understood procedural safeguards and the parents knew their rights.

Indicator: Procedural Safeguards

Indicator Type: Compliance

Item PS-3: Does the infant toddler or preschool Early Intervention program have procedures in place for procedural safeguards that meet state and federal requirements?

Infant Toddler and Preschool EI Criteria
There is evidence procedures include information on the following: • Confidentiality, • Prior written notice, including the parent's native language, • Access to records, including storage, retention, disclosure, destruction, • Parent consent, • Surrogate parents, • Local conflict resolution meetings and timelines (*IT only*), • IFSP or IEP facilitation procedures, • State complaint procedures and timelines, • Mediation procedures and timelines, • Due process hearing procedures, and timelines • Resolution meeting related to due process request and timelines (*PS only*), • Independent educational evaluation as related to due process proceedings, and • Native language.

Regulatory Source

Infant Toddler	Preschool
IDEA 34 CFR §303.25; §303.401 through 303.438 FERPA Part 99 Title 55 Pa. Code §4226.5; §4226.35; §4226.91; §4226.100 through 4226.103 EI Announcements: 12-#02; 12-#03; 25-#02; 25-#03	IDEA 34 CFR §300.9; §300.126; §300.300; §300.500 through 300.519; §300.610; §300.612; §300.624 through 303.627 FERPA Part 99 Title 22 Pa. Code §14.102; §14.162; §14.163 EI Announcements: 25-#02; 25-#03

Directions for Finding Evidence
Prior to the Verification, use the ***Procedural Safeguards Checklist*** to determine what criteria are present or absent.

Standards for Performance Rating

Meets Requirements	Does Not Meet Requirements
95-100% of criteria from the Procedural Safeguards Checklist are met	94% or below of criteria from the Procedural Safeguards Checklist are met

Indicator: Procedural Safeguards

Indicator Type: Compliance

Item PS-4: Does the infant toddler or preschool Early Intervention program inform parents about the procedural safeguards available to them?

Infant Toddler EI Criteria	Preschool EI Criteria
There is evidence that the Early Intervention program: • Provides parents of infants and toddlers with their Procedural Safeguards upon initial contact, evaluation, IFSP meeting or change in service, and • The Parent's Rights Agreement (PRA) (Prior Written Notice and Written Parental Consent) is utilized to obtain consent for screening, evaluation, initiating the development of the IFSP, changes in eligibility determination, proposing tracking and when the program is declining to initiate or change identification, evaluation, location of services or provision of EI services.	There is evidence that the Early Intervention program: • Provides parents of preschool children with their Procedural Safeguards Notice before initial services begin, at the annual IEP meeting and/or if a formal complaint is filed. • The Notice of Recommended Educational Placement Prior Written Notice (NOREP/PWN) is utilized to obtain consent before initial services begin, before any change in placement, identification, or the provision of FAPE, or when a child is no longer eligible/exits the program.

Regulatory Source

Infant Toddler	Preschool
IDEA 34 CFR §303.421; §303-430-438 Title 55 Pa. Code §4226.95; §4226.97-103 EI Announcements: 12-#02; 12-#03;; 25-#02; 25-#03	IDEA 34 CFR §300.101; §300. 300; §300.500 through 300.519 EI Announcement: 25-#02; 25-#03

Directions for Finding Evidence

1. Review the records of 5% of children who are enrolled in the Early Intervention program using **standard record sample**. At least 10 records should be reviewed at minimum but no more than 30 records. Look for documentation of families being informed and provided their procedural safeguards and the signature for consent on the NOREP or PRA.

   Infant Toddler Programs – A PRA needs to be in the file for any action that requires consent. Refer to LINK: Updated PRA Resources - Early Intervention Technical Assistance Portal.

   Preschool Programs – parent signature is only required for the initial NOREP. If a parent does not respond and sign any subsequent NOREPs, then the local program can proceed with services proposed after 10 calendar days.

   AND

2. Conduct observation(s) of the following meetings according to the ***Verification Observation Tool***.
   a. Evaluation meeting, or
   b. IFSP/IEP Meeting.

3. While doing an observation to find evidence for this item, if a full review of procedural safeguards by EI staff was not observed at the evaluation or IFSP/IEP meeting, ensure the interview with the family is conducted. If the family is aware of their rights, you can indicate yes on the observation tool for this item. Please indicate in the note section on the observation form that a full discussion did not occur during the observation, but through the family interview, the requirement has been met.

Directions for Finding Evidence
Infant Toddler Programs this may be observed during an evaluation and/or IFSP. If not observed, ask the program when and how procedural safeguards are explained to families. **Preschool Programs** this may be observed during an evaluation, MDE meeting and/or IEP meeting. If not observed, ask the program when and how procedural safeguards are explained to families. If the response aligns with the Preschool EI criteria, the requirement has been met.

Standards for Performance Rating – Evidence #1

Meet Requirements	Does Not Meet Requirements
95-100% of the criteria from the child record review are met	94% or below of the criteria from the child record review are met

Standards for Performance Rating – Evidence #2 – Observation #1

Meet Requirements	Does Not Meet Requirements

Standards for Performance Rating – Evidence #2 – Observation #2

Meet Requirements	Does Not Meet Requirements

Indicator: Procedural Safeguards

Indicator Type: Compliance

Item PS-5: Does the infant toddler Early Intervention program ensure that the family was offered a choice of provider(s) from the statewide providers list?

Infant Toddler EI Criteria (Not Applicable for Preschool)
There is evidence that the infant toddler Early Intervention program informs parents of the statewide provider list and offers a choice of providers to parents who have children eligible for Early Intervention Services.

Regulatory Source

Infant Toddler
EI Announcements: EI 16-01

Directions for Finding Evidence
1. Review the records of 5% of children who are enrolled in the Early Intervention program using standard record sample. At least 10 records should be reviewed at minimum but no more than 30 records. Look for documentation of the choice of providers being discussed with parents in service coordination notes or local developed form. AND 2. Conduct observation(s) of an IFSP meeting according to the ***Verification Observation Tool***.

Standards for Performance Rating – Evidence #1

Meet Requirements	Does Not Meet Requirements
95-100% of the criteria from the child record review are met	94% or below of the criteria from the child record review are met

Standards for Performance Rating – Evidence #2 – Observation #1

Meet Requirements	Does Not Meet Requirements

Standards for Performance Rating – Evidence #2 – Observation #2

Meet Requirements	Does Not Meet Requirements

Indicator: Procedural Safeguards

Indicator Type: Compliance

Item PS-6: Does the preschool Early Intervention program ensure that the NOREP documents that the parent was offered a Free Appropriate Public Education (FAPE)?

Preschool EI Criteria (Not Applicable for Infant Toddler)
There is evidence that the preschool Early Intervention program offers parents a continuum of placement options to meet their child's needs and that the NOREP includes the following: • A description of other options that the IEP team considered and the reasons why those options were not chosen. *(The IEP team shall recommend services to be provided in the least restrictive environment with appropriate and necessary supplementary aids and services. The placement options considered must begin with the least restrictive environment.)* • The environment the child will receive early intervention services. • The reason for the placement that was chosen.

Regulatory Source

Preschool
IDEA 34 CFR §300.114(a); §300.115; §300.320 Title 22 Pa. Code § 14.145; §14. 155 (b)

Directions for Finding Evidence
1. Review the records of 5% of children who are enrolled in the Early Intervention program using standard record sample. At least 10 records should be reviewed at minimum but no more than 30 records. Review the Notice of Recommended Educational Placement (NOREP) specifically the options considered, reasons not selected and selected placement, to include the reason the placement was chosen. AND 2. Conduct observation(s) of an IEP meeting according to the ***Verification Observation Tool***.

Standards for Performance Rating – Evidence #1

Meet Requirements	Does Not Meet Requirements
95-100% of the criteria from the child record review are met	94% or below of the criteria from the child record review are met

Standards for Performance Rating – Evidence #2 – Observation #1

Meet Requirements	Does Not Meet Requirements

Standards for Performance Rating – Evidence #2 – Observation #2

Meet Requirements	Does Not Meet Requirements