



Q & A: Part C Written Prior Notice Requirements

The Minnesota Department of Education (MDE) Division of Compliance and Assistance has developed this document to address questions raised by parents and school districts regarding Written Prior Notice requirements that apply to Part C.

Question 1: Is a Written Prior Notice required for Part C service delivery?

Answer: Yes. Written Prior Notice must be provided to parents prior to the proposal or refusal of initiation or change of identification, evaluation, placement or provision of appropriate early intervention services. *See* 34 C.F.R. § 303.403(a). Further, notice must be given in the native language of the parent or mode of communication normally used by the parent unless clearly not feasible to do so. *See* 34 C.F.R. § 303.403(c)(ii); 34 C.F.R. § 303.403(c)(3).

Question 2: What must be included in a Written Prior Notice for Part C?

Answer: The Written Prior Notice must include sufficient detail of the action being proposed or refused, the reason for the proposed action, procedural safeguards available, and state complaint procedures, including how to file a complaint. *See* 34 C.F.R. § 303.403(b).

Question 3: If a team meeting needs to be rescheduled, must a new notice of team meeting be issued?

Answer: Yes. The meeting must be arranged, and notice must be provided in writing early enough to ensure that all participants are able to attend. *See* 34 C.F.R. § 303.342(d)(2).

Question 4: Who must be invited to an Individual Family Service Plan (IFSP) meeting?

Answer: The IFSP meeting must include the parent(s) of the child, other family members as requested by the family, other individuals at the request of the family, the service coordinator, and any individual involved in the evaluation or assessments completed. *See* 34 C.F.R. § 303.343(a).

Question 5: Who must be invited to periodic reviews?

Answer: Participants in the periodic review must include the parent(s) of the child, family members or advocates as requested by the family and the service coordinator. *See* 34 C.F.R. § 303.343(a).

Question 6: What must happen if team members are unable to attend an IFSP meeting or periodic review?

Answer: If team members responsible for completing the evaluation are unable to attend a meeting, participation must be made for the person's involvement through other means, including: participating in a telephone conference call, having a knowledgeable authorized representative attend the meeting or making pertinent records available at the meeting. *See* 34 C.F.R. § 303.343(a)(2). *See* Question 3 for requirements related to other team members.

Question 7: What should be included in a Written Prior Notice for a child exiting Part C who is believed to not be eligible for Part B?

Answer: Any notice must include sufficient detail of the action being proposed or refused, the reason for the proposed action, procedural safeguards available, and state complaint procedures, including how to file a complaint. *See* 34 C.F.R. § 303.403(b). In the event that a child has been evaluated for Part B eligibility but was found not eligible, the notice must include the components of a Written Prior Notice for Part B. *See* 34 C.F.R. § 300.503.

Authority: 34 C.F.R. §§ 303.403(a); 303.403(b); 303.403(c)(ii); 303.322(e)(2); 303.342(d)(2); 34 C.F.R. § 300.503.