

Verification Requirements Procedural Safeguards

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| 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: | |
| <ul style="list-style-type: none"> • A process is in place for tracking and reviewing complaints on an ongoing basis, including local complaints, local conflict resolution meetings (<i>IT only</i>), state compliant investigations, and requests for IFSP or IEP facilitation, mediation, and due process, • Timelines are met for the local conflict resolution meetings (<i>IT only</i>), • 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 (<i>Preschool Only</i>), • 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 |
| IDEA 34 CFR §303.700-702 | IDEA 34 CFR §300.600-602 |
| Directions for Finding Evidence | |
| <ol style="list-style-type: none"> 1. Prior to the Verification, review the <u>Complaint Resolution Worksheet</u>. 2. Prior to the Verification, review ODR reports for timely documentation of meeting dates for IFSP or IEP facilitation, mediation, and due process. 3. During the Verification, interview the program supervisor or program coordinator according to the <i>Supervisor’s Interview Protocol</i>. 4. During the Verification, 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 |
| <ul style="list-style-type: none"> - 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. |

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| 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 | |
| <p>There is evidence of the following:</p> <ul style="list-style-type: none"> • 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. | <p>There is evidence of the following:</p> <ul style="list-style-type: none"> • 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 | |
| <p>1. During the Verification, interview staff according to the protocol in the <i>Staff Interview Protocol</i>. Interview 2 service coordinators/2 staff.</p> <p>AND</p> <p>2. Prior to the Verification, interview parent/s according to the protocol in the <i>Family Interview Protocol included in the Verification Observation Tool</i>.</p> | |
| Standards for Performance Rating | |
| Meets Requirements | Does Not Meet Requirements |
| <ul style="list-style-type: none"> - 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 understanding of procedural safeguards. | <p>One or more of the conditions under Meets Requirements are not met.</p> |

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| 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: | |
| <ul style="list-style-type: none"> • 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 (<i>IT only</i>), • 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 (<i>PS only</i>), • 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: 11-#01; 12-#02; 12-#03; 12-#05 | 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 Announcement: 11-#01 |
| Directions for Finding Evidence | |
| Prior to the Verification, use the <u>Procedural Safeguards Checklist</u> to determine what criteria are present or absent. | |
| Standards for Performance Rating | |
| Meets Requirements | Does Not Meet Requirements |
| 95-100% of criteria from the <u>Procedural Safeguards Checklist</u> are met | 94% or below of criteria from the <u>Procedural Safeguards Checklist</u> are met |

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| 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 |
| <p>There is evidence that the Early Intervention program:</p> <ul style="list-style-type: none"> 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) is utilized to obtain consent for screening, evaluation, IFSP services prior to the beginning of initial services and/or before any change of EI services, and when a child no longer meets eligibility criteria and exits the EI program. | <p>There is evidence that the Early Intervention program:</p> <ul style="list-style-type: none"> Provides parents of preschool children with the <u>procedural safeguards</u> notice before initial services begin, at the annual IEP meeting and/or if a formal complaint is filed. and The NOREP 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 |
| <p>IDEA 34 CFR §303.421; §303-430-438 Title 55 Pa. Code §4226.95; §4226.97-103 EI Announcements: 11-#01; 12-#02; 12-#03; 12-#05</p> | <p>IDEA 34 CFR §300.101; §300. 300; §300.500 through 300.519 EI Announcement: 11-#01</p> |
| Directions for Finding Evidence | |
| <ol style="list-style-type: none"> During Verification, 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. All checkboxes need to be marked on the Parents Rights Agreement as yes or DNA to get full points. 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. If a child has been in service for longer than a year, you do not need to look for the initial NOREP. Only review NOREPs for any other actions that required consent that occurred in the last year. Use DNA if there are no changes for the child within the one-year period. AND Conduct observation(s) of the following meetings according to the Verification Observation Tool. <ol style="list-style-type: none"> Evaluation meeting, or IFSP/IEP Meeting. <p>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.</p> | |

Infant Toddler Programs this may be observed during an initial home visit, 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 and/or IEP. If not observed, ask the program when and how procedural safeguards are explained to families.

| Standards for Performance Rating | |
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| Evidence #1 | |
| Meets 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 |
| Evidence #2 Observation #1 | |
| Meets Requirements | Does Not Meet Requirements |
| Evidence #2– Observation #2 | |
| Meets Requirements | Does Not Meet Requirements |

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| Indicator: Procedural Safeguards | |
| Indicator Type: Compliance | |
| Item PS-5: Does the infant toddler Early Intervention program, for children eligible for ITF waiver or Medical Assistance services, 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 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 Medical Assistance or ITF waiver services. | |
| Regulatory Source | |
| Infant Toddler | |
| EI Announcements: 08-#10 | |
| Directions for Finding Evidence | |
| <p>1. During the Verification, review the records of 5% of children who are receiving ITF waiver/MA services using a targeted record review. At least 5 records should be reviewed at minimum but no more than 10 records. Look for documentation of the choice of providers being discussed with parents in service coordination notes or local developed form.</p> <p>AND</p> <p>2. Conduct observation(s) of an IFSP meeting according to the Verification Observation Tool.</p> | |
| Standard for Performance Rating | |
| Evidence #1 | |
| Meets 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 |
| Evidence #2– Observation #1 | |
| Meets Requirements | Does Not Meet Requirements |
| Evidence #2– Observation #2 | |
| Meets Requirements | Does Not Meet Requirements |