



TO: Family: \_\_\_\_\_
Address: \_\_\_\_\_
City, State & Zip \_\_\_\_\_

Place Provider Label with phone number here

Re: Child's Name: \_\_\_\_\_

Parental Prior Notice

Dear: \_\_\_\_\_ Date: \_\_\_\_\_

The New Mexico Family Infant Toddler (FIT) Program is required to provide you with written prior notice of certain activities within a reasonable time (5 calendar days). These activities include proposing or refusing to initiate services or evaluation or changing the eligibility of your child, location or amount of early intervention services your family receives.

This letter is to provide notice of the following: (check all that apply) (see further clarification on back of form)

- Based on screening results an evaluation/assessment of your child is not necessary at this time.
An evaluation/assessment of your child has been scheduled.
Your child is / is not (Please circle) eligible for the FIT Program.
The frequency or location of your services is being changed.
A meeting to develop / review your Individual Family Service Plan (IFSP) has been scheduled.
A transition planning conference has been scheduled.
Other (describe):

The reason this action(s) is being proposed is (include a description of information used to make this decision i.e. screening results, evaluation/assessment procedures, reports, records, etc):

Meeting/ Activity Date: Meeting/ Activity Time: Meeting/ Activity Location:

Attached is a copy of the Notice of Child and Family Safeguards within the FIT Program (Part C Early Intervention System). As discussed in this information, you have the right to reschedule this appointment. If you wish to do that, please contact the agency listed above. You also have the right to request mediation and/or an impartial due process hearing should you disagree with the above proposed action(s).

Notice Given in person Mailed on (date) By:

Sincerely, (Name/Title)

Parent(s) Acknowledgment: I have received a copy of family rights under Part C of IDEA (Notice of Child and Family Rights & Safeguards in the FIT Program). These rights have been explained to me and I understand them.

Signature of Parent(s)

Date

Note: If you received this notice by mail, please sign and return it to the address printed above.

Parents are to receive a copy of this form.

Optional: I agree that the above activity(s) may occur prior to the 5-day prior notice.
Initials of Parent(s) Date

## Written Prior Notice

Written prior notice must be given to families within a reasonable time (five (5) calendar days) before the Early Intervention agency/provider proposes to or refuses to:

- initiate or change the eligibility of the child
- initiate or change the evaluation of the child
- initiate or change the placement of the child
- initiate or change the provision of appropriate early intervention services to the child family.

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### Clarification of common notices:

**Based on screening results an evaluation of your child is not necessary at this time.** Written prior notice is not necessary during routine child find activities where a child may be screened and not evaluated. However, if a child has been specifically referred to the Early Intervention agency/provider, and the agency/provider determines that an evaluation is not necessary based on screening results, the family must be given written prior notice of this decision and informed of their rights.

**An evaluation of your child has been scheduled.** Written prior notice must be provided to families prior to the comprehensive multidisciplinary evaluation of the child.

**Your child is / is not eligible for the FIT Program.** Written prior notice must be sent to the family to inform them of the child's eligibility. If a family has been referred to a provider and the family is not eligible for the FIT Program, they are entitled to written prior notice of this decision. The family must also receive notice of their rights in case they do not agree with the eligibility decision, so that they are aware of their options. Additionally, if at any time the child is determined to be no longer eligible for the FIT Program, the family must also receive prior written notice and a copy of safeguards.

**The frequency or location of your services is being changed.** Written prior notice must be given before any initiation or change of service, including addendums to the IFSP. Services initiated or changed during an IFSP meeting do not require written prior notice so long as the family is present at that meeting and gives written consent to the changes.

**A meeting to develop/review your Individualized Family Service Plan (IFSP) has been scheduled.** Written prior notice must be given before any IFSP meeting takes place in order for the family to attend and prepare for the meeting.

**A transition planning conference has been scheduled.** As above, all meetings regarding the services of the eligible child require written prior notice to the family.

#### Individuals with Disabilities Education Act (IDEA):

##### Federal Regulations

##### Section 303.403 **Prior Notice, Native Language**

- (a) General. Written prior notice must be given to the parents of a child eligible under this part a reasonable time before a public agency or service provider proposes, or refuses, to initiate or change, the identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and child's family.
- (c) (1) The notice must be (i) written in language understandable to the general public; and (ii) Provided in the native language of the parents, unless it is clearly not feasible to do so.

##### Section 303.342 **Procedures for IFSP development, review and evaluation**

- (d) (2) Meeting arrangements must be made with, and written notice provided to, the family and other participants early enough before the meeting date to ensure that they will be able to attend.