

**281—120.66(34CFR303) Prior written notice.**

**120.66(1)** *Service coordinator ensures timely notice.* Under the direction of any grantee, agency, public provider or private provider, the service coordinator shall ensure that adequate written prior notice is provided to the parents within 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 the child's family. [34 CFR 303.403(a)]

**120.66(2)** *Content of notice.* The notice shall contain information in sufficient detail to inform a parent about:

- a. The action that is being proposed or refused;
- b. The reasons for taking the action;
- c. All procedural safeguards that are available under this division for the child and family; and
- d. The state complaint procedures, described in rule 281—120.69(34CFR303), including a description of how to file a complaint and the timelines under those procedures. [34 CFR 303.403(b)]

**120.66(3)** *Native language.*

- a. The notice must be:
  - (1) Written in language understandable to the general public; and
  - (2) Provided in the native language of the parents, unless it is clearly not feasible to do so.
- b. If the native language or other mode of communication of the parent is not a written language, the service coordinator shall take steps to ensure that:
  - (1) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
  - (2) The parent understands the notice; and
  - (3) There is written evidence that these notice requirements have been met.
- c. If a parent is deaf or blind, or has no written language, the mode of communication must be that normally used by the parent (such as sign language, Braille or oral communication). [34 CFR 303.403(c)]